



## Control of Horses Bill 2014-15

Standard Note: SN/SC/7047  
Last updated: 13 January 2015  
Author: Elena Ares and Jim Camp  
Section: Science and Environment Section

---

Fly-grazing is the practice of deliberately allowing horses to graze on land without the consent of the landowner. It has received a great deal of media interest in recent years, primarily because the current law is widely perceived as being inadequate.

Julian Sturdy MP has proposed a bill to tackle this in England, the Control of Horses Bill. This Standard Note explains the measures contained within the Bill, and explains whether and how these differ from current legislation.

The Bill would make it easier for local authorities, freeholders and occupiers to tackle fly-grazing, by changing the law in relation to horses grazing without permission on public and private land. Landowners and occupiers will be able to detain horses for a minimum period of 96 hours (4 days), rather than 14 days under current legislation.

At the end of the 4 days, the horses could be disposed of in whatever way is deemed fit. This includes destroying them. Current legislation does not allow them to be destroyed.

The Bill has been welcomed by interested parties, including animal welfare charities.

This information is provided to Members of Parliament in support of their parliamentary duties and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as being up to date; the law or policies may have changed since it was last updated; and it should not be relied upon as legal or professional advice or as a substitute for it. A suitably qualified professional should be consulted if specific advice or information is required.

This information is provided subject to [our general terms and conditions](#) which are available online or may be provided on request in hard copy. Authors are available to discuss the content of this briefing with Members and their staff, but not with the general public.

## **Contents**

<b>1</b>	<b>Background</b>	<b>3</b>
<b>2</b>	<b>Control of Horses Bill 2014-15</b>	<b>3</b>
2.1	Territorial extent	3
2.2	Definitions	3
2.3	Fly-grazed horses: detention, disposal and liabilities for damages	3
	Clause 1: Power of local authorities in England to detain horses	3
	Clause 2: Powers of freeholders and occupiers in England to detain horses	4
	Clause 3: Exercise of powers of detention	4
	Clause 4: Liability for damage and expenses due to horses in public places	4
2.4	Committee Stage	4
2.5	Progress of the Bill	6
<b>3</b>	<b>Reaction to the Bill</b>	<b>6</b>

## 1 Background

Fly-grazing is the practice of deliberately leaving horses to graze on land without the landowner's permission.<sup>1</sup> Under section 7 of the [Animals Act 1971](#), animals that are being fly-grazed become the property of the landowner. The landowner may detain the horses and, if they have not been reclaimed within fourteen days, sell them.

Fly-grazing is very problematic from the point of view of the landowner. Firstly, it is often very difficult to identify the fly-grazer: and, even if they are identified, fly-grazing is only a civil offence rather than a criminal one.<sup>2</sup> Second, during the period of detention, the landowner is legally responsible for the welfare of the horses. They must ensure the animals are fed and watered, and do not come to harm. This can be very difficult, particularly if the person in question has no experience of keeping large animals. A failure to take proper care of the animals could theoretically lead to a prosecution under [section 9 of the Animal Welfare Act 2006](#). Third, when the landowner attempts to sell the horses after fourteen days he or she may find this difficult to do, particularly if (as is often the case) the animals are in bad condition.

The Control of Horses Bill seeks to address the second and third points mentioned above by changes to the powers of local authorities. The Bill is sponsored by Julian Sturdy MP, who came eighth in the Private Members' Bill ballot 2014-15.

## 2 Control of Horses Bill 2014-15

The [Control of Horses Bill 2014-15](#) (the Bill) is intended to make it easier for local authorities to dispose of fly-grazed horses that are on public land, by amending the Animals Act 1971 (the Act). It also allows local authorities to remove fly-grazed horses from public land with the consent of the landowner, or even without that consent if the landowner is absent but the local authority believes consent would be given.

Private landowners are not currently covered in this Bill, but there are calls for measures concerning private land to be included.

### 2.1 Territorial extent

The Act covers England and Wales, but the proposed amendments to it by the Bill cover England only.

### 2.2 Definitions

The Bill amends the Act so that "horses" includes "ass, mule or hinny".<sup>3</sup> Note that an ass is another term for a donkey.<sup>4</sup>

### 2.3 Fly-grazed horses: detention, disposal and liabilities for damages

#### ***Clause 1: Power of local authorities in England to detain horses***

Clause 1 of the Bill inserts a new section (section 7A) into the Animals Act 1971. This gives local authorities the power to detain horses that are being fly-grazed in a public place. If the landowner is not available to give consent, the public authority may detain the horses if it believes he or she would agree.

---

<sup>1</sup> Redwings Horse Sanctuary, [Abandonment and Fly-grazing](#), (accessed 27 November 2014).

<sup>2</sup> Horse and Ponies Protection Association, [The Facts about Fly Grazing](#), (accessed 28 November 2014).

<sup>3</sup> UK Parliament, [Control of Horses Bill 2014-15](#), clause (1)(1)(2)(a), (accessed 27 November 2014).

<sup>4</sup> Defra, [Control of Horses Bill: Explanatory Notes](#), p.2 [online]. Available at: (accessed 27 November 2014).

### **Clause 2: Powers of freeholders and occupiers in England to detain horses**

Clause 2 give freeholders and occupiers in England the power to detain horses that have been unlawfully abandoned on their land. It inserts a new section (section 7B) into the Animals Act 1971. This clause was inserted at Committee Stage (see section 2.4 below).

### **Clause 3: Exercise of powers of detention**

Clause 3 of the Bill deals with the time limits for detention. This clause inserts a new section (section 7C) into the Animals Act 1971. Within 24 hours of detaining the horses, the local authority must notify the police and the owner of the horses (if it knows who this person is). A failure to do this will mean the local authority cannot detain the horses any longer. This is shorter than the period under current legislation, which is 48 hours.<sup>5</sup>

This clause also allows the owner of the horses to reclaim them within 96 hours (not including weekends or Bank Holidays), provided he or she pays the local authority and (if applicable) the landowner sufficient money to cover the cost of taking care of the animals during this period. The right of reclaim has no time limit under current legislation.<sup>6</sup>

If, at the end of 96 hours, the right of detention has not lapsed and the horses have not been reclaimed, ownership passes to the local authority. The authority may dispose of the horses in whatever way it sees fit. This includes selling them or having them destroyed. Under current legislation, the local authority or landowner may sell them only after having detained them for fourteen days, with no right to destroy them.

If the horses are sold and the sum received exceeds the expenses incurred in keeping them, the former owner of the horses may claim the difference from the local authority.

The local authority is legally responsible for the welfare of the horses during the period of detention.

### **Clause 4: Liability for damage and expenses due to horses in public places**

Clause 4 of the Bill inserts a new section (section 4A) into the Animals Act 1971. The new section applies only to public places in England. If a horse is unlawfully in a public place, the owner is liable for any damage it causes and any expenses incurred in keeping it. The owner is also liable for costs incurred in attempting to establish the owner's identity.

This clause does not affect a horse which was lawfully present on a highway but which subsequently strays to a public place.

## **2.4 Committee Stage**

In summary, new clause 1 and amendments 1-24 were agreed, while amendments 25-27 were withdrawn. There were no divisions at Committee Stage.

In Committee Stage, a new clause was inserted: "Powers of freeholders and occupiers in England to detain horses" (clause 2). This clause was jointly tabled by the Bill's sponsor, Julian Sturdy MP, and the Government. Arguing in favour of the new clause, Mr Sturdy said:

The amendments, which stand in my name and that of the Minister, would extend the provisions of the Bill to any land in England and give powers to detain horses to freeholders and occupiers of private land. I remind the Committee that the Bill amends section 7 of the Animals Act 1971 with respect to the process for managing horses on

---

<sup>5</sup> [Animals Act 1971, section 7](#) (accessed 27 November 2014).

<sup>6</sup> [Animals Act 1971, section 7](#) (accessed 27 November 2014).

land without lawful authority in England. It reduces the time that a person is required to detain a horse before disposing of it from 14 days to 96 hours—what would be classed as four clear days. It also creates a more flexible way of disposing of unclaimed horses by methods other than sale at auction, such as gifting the horse to an animal welfare sanctuary or charity. The current long title of the Bill restricts its scope to the fly-grazing of horses in public places, but it is crucial that we ensure that horses on private land receive the same level of protection as those on public land under the Bill.<sup>7</sup>

Angela Smith MP, speaking on behalf of the Opposition, supported the new clause, stating:

...the Bill's effectiveness in reducing fly-grazing will be seriously curtailed if it relates only to public land. According to the RSPCA and the CLA, the best estimates are that some 3,500 horses are currently being fly-grazed, with approximately 1,750 of them on private land. That statistic shows perfectly the importance of extending the measures to cover private land.<sup>8</sup>

However, Ms Smith questioned why provisions for private land had not been in the first draft of the Bill:

One can only speculate about why private land was excluded in the first place, but I acknowledge that the problem is on the verge of being resolved. The Opposition are thankful for that, because we understand the importance of the legislation to a wide range of animal welfare charities and to local authorities. We also welcome the Government's support for the Bill, which gives it a real chance of becoming law.<sup>9</sup>

The Minister responded that the Bill was originally modelled on the Control of Horses (Wales) Act 2014,<sup>10</sup> which covers public land only. Ministers and Julian Sturdy MP were clear from the outset that legislation on the abandonment of horses should cover private land as well as public, but there was not time to add this to the Bill before the deadline for submitting the long title. He explained how the Government set about putting this right:

After talking to animal welfare charities, landowner groups and many others, we took the clear view that it would be a major oversight to pass a Bill relating to public land only. There would be a danger of displacing the problem to private land, as well as an imbalance between how we deal with private and public land. That imbalance does not exist under the Animals Act 1971, which has dealt with the issue to date. We took the view that if a job is worth doing, it is worth doing properly and that we should therefore change the scope of the Bill to cover both private and public land, as was the clear wish of the animal welfare charities and others.

That is why I was delighted to table a motion before the House on 25 November to issue an instruction to the Bill Committee to consider the amendments to change the scope of the Bill. As my hon. Friend said, that procedure is not used often—apparently it has not been used for 14 years—but having tried unsuccessfully to pass a private Member's Bill earlier in this Parliament, I took the view that there are enough obstacles in the way of a private Member's Bill without allowing such a technicality to frustrate yet another, which is why we were delighted to use the procedure, which exists for precisely such scenarios, to give the Bill a fair wind and hopefully ensure that it goes on the statute books before the end of the Session.<sup>11</sup>

---

<sup>7</sup> [HC Deb, Control of Horses Bill 2014-15 \(Committee Stage\), cols 5-6, 08.01.15.](#)

<sup>8</sup> [HC Deb, Control of Horses Bill 2014-15 \(Committee Stage\), col 8, 08.01.15.](#)

<sup>9</sup> [HC Deb, Control of Horses Bill 2014-15 \(Committee Stage\), col 9, 08.01.15.](#)

<sup>10</sup> [Control of Horses \(Wales\) Act 2014](#)

<sup>11</sup> [HC Deb, Control of Horses Bill 2014-15 \(Committee Stage\), cols 9-10, 08.01.15.](#)

The Bill currently makes anyone who detains horses “liable for any damage caused to it by a failure to treat it with reasonable care and supply it with adequate food and water while it is so detained.” Amendments 25-27 were intended to broaden this responsibility and make it more specific, in line with section 9 of the Animal Welfare Act 2006.<sup>12</sup> Ms Smith said that these amendments were probing amendments, designed “to specify precisely the welfare needs of any horse detained under the provisions in the Bill.” The intention was to take responsibility for ensuring the animal welfare of detained horses beyond the provision of food and water, and ensure that all their needs were met.

The Minister responded that the amendments were unnecessary, as the Animal Welfare Act 2006 would apply to detained horses:

The requirements of the 2006 Act apply—the hon. Lady served on the Bill Committee for that—without being explicitly stated here. That Bill was enacted and applies anyway, and I am happy to confirm that anyone who detains a horse is subject to all the requirements in that Act. Therefore, there is no need for the cross-referencing in this Bill. We do not tend to do things in that way; we do not make reference to every other piece of legislation when we draft new Bills. Bills that are already enacted are seen to be enacted and have force. Adding such wording would simply be repeating what is already required in another statute.<sup>13</sup>

Consequently, Angela Smith MP withdrew the amendments.

**2.5 Progress of the Bill**

The progress of the bill is illustrated below in Table 1.<sup>14</sup>

Stage	Date
House of Commons: First Reading <sup>15</sup>	2 July 2014
House of Commons: Second Reading <sup>16</sup>	24 October 2014
House of Commons: Instruction <sup>17</sup>	25 November 2014
House of Commons: Committee Stage <sup>18</sup>	8 January 2015
House of Commons: Report Stage	16 January 2015

**Table 1. Stages of the Control of Horses Bill 2014-15.**

The Instruction on 25 November 2014 was to the Bill Committee, informing it that it had the power to amend the Bill with respect to the treatment of horses that are fly-grazing on private land. The Bill currently covers public land only.

**3 Reaction to the Bill**

The Bill is broadly supported by the Government, Opposition, horse charities and countryside organisations.

---

<sup>12</sup> [Animal Welfare Act 2006, section 9.](#)  
<sup>13</sup> [HC Deb, Control of Horses Bill 2014-15 \(Committee Stage\), col 12, 08.01.15.](#)  
<sup>14</sup> [Bill stages — Control of Horses Bill 2014-15](#) (accessed 1 December 2014).  
<sup>15</sup> [HC Deb, col 897, 02.07.14](#)  
<sup>16</sup> [HC Deb, col 1191, 24.10.14](#)  
<sup>17</sup> [HC Deb, col 885, 25.11.14](#)  
<sup>18</sup> [HC Deb, Control of Horses Bill 2014-15 \(Committee Stage\), 08.01.15.](#)

The Select Committee on Environment, Food and Rural Affairs issued a press release after the Bill passed Second Reading. It supported the Bill, saying:

Welcoming the Government's support for the Bill, Committee Chair Anne McIntosh MP said: "It is clear that the number of horses being left to graze on private land has grown significantly in recent years, and we are glad that action to make it easier to deal with that is being supported by Defra and the Government. It would be helpful if the action taken in Ireland to deal with this problem were matched."<sup>19</sup>

The Committee held an evidence session entitled "Horse welfare" in September 2014. The transcript is available online.<sup>20</sup> Following the session the Committee exchanged correspondence with Lord de Mauley, Parliamentary Under-Secretary of State for Natural Environment and Science. These letters are also available online.<sup>21 22</sup>

World Horse Welfare welcomed the Bill following First Reading, saying that it was supported by a range of organisations with equine interests:

The CLA [Country Land and Business Association], National Farmers' Union and Countryside Alliance have joined forces with the RSPCA, World Horse Welfare, Redwings, the British Horse Society and Blue Cross to support the Bill after they supported similar legislation in Wales which became law in January.

The practice of illegal grazing, known as fly grazing, has proliferated since the economic downturn, causing welfare problems for horses, damage to crops and fencing, loss of use of land and risks to the public. However, resolving these issues is normally a lengthy and costly process, due to the inadequacy of existing legislation to tackle the problem and the fact that the irresponsible owners of these horses do not comply with equine identification laws - meaning they are not held to account.<sup>23</sup>

After the Bill passed Second Reading, the RSPCA said:

The charity has campaigned, alongside other equine charities and countryside organisations, for the Bill which we believe could improve animal welfare as well as providing a framework that will help landowners, local authorities, the police, charities and local communities to solve the problem of fly grazing.<sup>24</sup>

The Bill has so far received little coverage in the national media. However, local media outlets have reported it more extensively. Following Committee Stage, the East Anglian Daily Times reported that the Bill is supported by the Country, Land and Business Association (CLA):

A number of amendments have been made to the Bill which if successful, will extend powers already proposed for councils to remove fly-grazing horses from public land to private landowners to deal with fly-grazing horses on private land.

Calls to welfare charities about fly-grazing have also risen by two thirds in the past three years following concerns that horses are being abandoned. Campaigners say 'hot spots' have developed in the eastern region and across the country - with

---

<sup>19</sup> EFRA Select Committee press release, "[Change in horse fly-grazing law welcomed by Committee](#)", 21 November 2014.

<sup>20</sup> EFRA Select Committee, [Horse welfare](#), 3 September 2014.

<sup>21</sup> EFRA Select Committee, [correspondence](#), 10 September 2014.

<sup>22</sup> EFRA Select Committee, [correspondence](#) (30 October 2014).

<sup>23</sup> World Horse Welfare, [Control of Horses Bill welcomed in England](#), 16 July 2014.

<sup>24</sup> RSPCA, [RSPCA welcomes passing of Control of Horses Bill](#), 27 October 2014.

hundreds of animals kept on verges, parkland or farmland in the worst-hit areas. According to the RSPCA, during 2013 it received 226 calls regarding abandonment, including fly grazing, in Suffolk that related to the welfare of 769 horses.

CLA East regional director Ben Underwood said: "Horses can suffer significant harm if they are left to fend for themselves so it is vital that landowners have the power to act quickly and in the best interest of the welfare of these animals.

"We are delighted the Government supports our call for the powers in the Bill to be extended to private landowners and not just limited to local authorities.

"It is also vital that MPs support the proposal to cut the time landowners must wait before they can act from 14 days to four and to give them greater options in how they can remove the animals quickly."<sup>25</sup>

The Yorkshire Post reported on the extent of the problem in Yorkshire:

Calls to animal welfare charities reporting fly grazing incidents have risen by two thirds in three years, the report says. From people in Yorkshire alone, the RSPCA received 3,360 reports involving 9,689 equines in 2013.

York Outer MP Mr Sturdy added: "From today's report it is clear that the number of horses being abandoned has grown steadily worse across the country in recent years. The need to act is now more pressing than ever before and I will be sponsoring legislation to help local authorities and farmers tackle the problem head on."<sup>26</sup>

---

<sup>25</sup> *East Anglian Daily Times*, "Bill on flygrazing expected to become law before end of Parliamentary session", 10.01.14.

<sup>26</sup> *Yorkshire Post*, "[Existing laws are not enough to beat fly grazing](#)", 2 September 2014.