

## **Horse Abandonment**

**What to do if a horse is abandoned on your land.**

**The following article is designed to be a helpful guide to anyone who finds an abandoned equine.**

**Below you can find information on what to do if a horse is abandoned on your land.**

It is an illegal offence to abandon any animal, with a possible 51 week prison sentence, a fine up to £20,000 – or both.

Abandonment is a very grey area as there is currently no case law to go on. This article is designed to be a helpful guide to anyone who finds an abandoned equine.

Abandonment is illegal under the Animal Welfare Act 2006, and the Animals Act 1971. Although the law can be used to show an offence has occurred, it does not help with what happens to the animal after it has been abandoned. Dealing with an abandoned horse is costly and time-consuming. Prevent the problem from happening in the first place by making sure your land is secure. If you own a livery yard, there are several things you can do to help prevent an abandonment.

### **Prevention Tips for Landowners**

As well as an increase in abandonment cases, the number of horses being grazed illegally on land is growing. It has become such a problem in some areas that it has become known as 'fly-grazing'. Although the situation is an unwelcome one, the landowner has a responsibility to provide the horse with its basic needs. In most cases grass and access to water is sufficient.

Minimise risk by always keeping gates securely locked and possibly even putting blockades in place. You could dig out fenced-off ditches to prevent access to your land. Consider ploughing up empty pockets of land or use it in some way rather than let it go to grass, as this may attract illegal grazing.

### **Prevention Tips for Livery Yard Owners**

There have been some cases where owners are seeking livery or field rental with the intention of abandoning their horse, in the hope that it will have a secure future. The owner could be in a desperate situation, or may want to avoid the cost of euthanising the horse.

Ensure you have good practices in place for taking on new clients. You could draw up a written contract with any new client, whether it is a friend or not, and ask for a proportion of the fees up front. This financial bond will act as a deterrent, and will help you with costs if the worst happened and the horse was abandoned on your yard. Make sure you obtain and confirm the client's current

address. You can do this by posting their livery contract to them, and asking them to sign and return it.

Make sure a new horse to the yard is microchipped, and ask to see its passport.

### **What steps do I take if a horse is abandoned on my land/Livery Yard/rented field?**

First, you must determine whether the horse has truly been abandoned. It could be a stray or has escaped from its field. The owner has to be given a chance to come forward to claim their animal before you make alternative arrangements for the horse's future.

If your land is being 'fly-grazed' by those who do not have their own land at their disposal, display an abandonment notice, and you may find the horse disappears as quickly as it appeared.

If you find a horse on your land, it is advisable to take the following steps to enable you to prove that you have acted responsibly and made every effort to resolve the situation, just in case the horse's owner challenges you at a later date. Keep a record of your actions in a diary format and any costs you incur.

If you find an abandoned equine on your land, remember that it may well be frightened and should not be approached unless necessary. Always offer the equine some fresh water and, if possible, contain them in a place where they can graze safely.

If you can, look to see if the equine has a freemark. If it does, make a note of the mark and contact Farmkey on 0870 870 7107 or Freemark Ltd on 01295 690090.

Look for signs of active care such as being shod, clipped, having a hogged mane, trimmed tail or trimmed whiskers which indicate that there is an active owner who will be looking for their escapee as soon as their absence is noted.

Do not assume that a horse with an unkempt appearance has been abandoned, although it is more likely.

Call a vet if there are any immediate health problems. It is your responsibility to ensure the horse's basic needs are met.

Ask a vet or local livery yard owner to scan the horse for a microchip. Contact NED (National Equine Database) or Petlog if the horse has one.

**Report the situation to the police.** If the horse has escaped, they may be aware. **Ask for an incident number for future reference**

Check [www.stolenhorseregister.com](http://www.stolenhorseregister.com) and [www.ukhorsewatch.org.uk](http://www.ukhorsewatch.org.uk) for equines that have been stolen. The National Equine Database now also has a lost/stolen register at [www.nedonline.co.uk](http://www.nedonline.co.uk).

Report the situation to the RSPCA. Although they do not always get involved directly, inspectors may have or discover relevant information. The RSPCA needs to be aware if the horse is in poor condition or has injuries. Also inform your Local Trading Standards Animal Health and Welfare team at Shropshire Council

If there is no sign of an owner, **put up an abandonment notice for a minimum of two weeks. Annex 1 shows an example notice.** Include a contact number and address, a very short description of the

horse and your intention to remove and re-home a horse if no owner comes forward. Display the notice prominently where you found the horse.

Put up notices in local shops, and inform local livery yards and riding schools. It is good practice to display another abandonment notice for seven days at the end of the 14-day period.

### **If an owner comes forward...**

If you are approached by someone claiming to be the owner, it is advisable to ask to see the horse passport which they should, by law, have in their possession. This will prevent someone fraudulently claiming the horse. The passport will contain a detailed description of the equine which can be checked against the abandoned animal.

Remember that a passport is not legal proof of ownership, however it should give some assurance that the person is the owner. There are situations, however, when a person may not have a passport to show, such as when they have only just purchased the equine. Alternatively if someone has photos or can give an accurate description this would be acceptable as an indication of ownership.

### **If an owner DOES NOT come forward...**

If no owner comes forward within the defined period, by law you are able to take legal responsibility for the equine. This allows someone to sell, re-home, euthanise or keep the horse.

However you may have difficulty acquiring a passport for the horse, which is a legal requirement. It is essential if you want to sell the horse, or it needs treatment from a vet. You will need to contact DEFRA for advice on this issue 08459 33 55 77.

If, following the advised time period for an abandonment notice, the equine is still on your land and no owner has come forward, your next action will largely depend on whether the equine is of high value or would be able to be re-homed privately, perhaps as a companion. By acting responsibly, keeping clear records and by giving the owner a clear time period to respond, you have covered yourself against a future claim.

It would be unreasonable to expect the landowner to keep the equine indefinitely and after following the steps above, if the problem remains, it is reasonable to look to make alternative arrangements for the horse's future. Any money left over should be kept for a period of six months in case an owner comes forward at a later date. This sounds unlikely, but some situations involve loaning out where the legal owner isn't immediately aware of the equine's plight.

Whatever course of action you decide to take, it is imperative to keep records of money spent or received, expenses incurred and actions taken (such as veterinary treatment, vaccinations, worming and so on) for several months afterwards. If an owner does come forward, you are entitled to ask for some compensation to cover your outlay, although this must be reasonable and not overinflated.

There will always be the remote possibility that an owner comes forward in the future wishing to reclaim the horse (if the horse has been stolen before it was abandoned, they may have spent months looking for their equine). Here the law becomes even more complex and if an agreement with the owner cannot be reached, you may need to take legal advice to resolve the situation satisfactorily

**Straying on Roads...**

Many abandoned or stray animals are found wandering on roads. As public highways are under the direct control of the Police, any animal found on a roadway should be reported to them straight-away to reduce the risk of a serious accident.

# ABANDONMENT NOTICE

Equine(s) description:

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Found at the following address / location:

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**If you are the legal owner, or have information regarding the ownership of the equine(s) please ring:**

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This notice is giving **14 days notice for the equine(s) to be removed.**

After this time period if no information is forthcoming, in relation to the provisions under Section 7 of the Animals Act 1971, or Section 9 of the Animal Welfare Act 2006, the equine(s) will be re-homed, sold, or humanely destroyed.

Date 14 Day Notice Period

**Starts:** \_\_\_\_\_

Date Notice Period

**Ends:** \_\_\_\_\_