

Guidance on fly-grazed horses in England for the general public and private landowners

Supported by the Department for Environment, Food and Rural Affairs.

This article is designed to be a guide to anyone who finds an abandoned or fly-grazing horse in England; however it does not have any official status and should not be seen as an alternative to legal advice.

Under the Animals Act 1971, as amended by the Control of Horses Act 2015, occupiers of land have certain rights to detain any horses that are on their land in England without lawful authority.

What is fly-grazing?

Fly-grazing is the deliberate grazing of horses on land without the occupier's permission.

What do I do if a horse is left on my land?

- The occupier of the land, or the freeholder (if not the occupier) with the occupier's consent, may detain the horse.
- Within 24 hours of detaining the horse you must give **notice** of the detention to the officer in charge of a police station and the horse's owner if known (while it is not a legal requirement, it is good practice to display notices in prominent places).
- If within 96 hours of the horse being detained (4 days excluding Saturdays and Sundays, Good Friday, Christmas Day and Bank Holidays) the owner comes forward, the right to detain ceases, subject to the satisfactory tender of reasonable expenses for keep and/or damages (Section 4A of 1971 Act, as amended).
- If after 96 hours the horse has not been claimed, the ownership of the horse passes to the person detaining the horse. They may then dispose of it by selling it, rehoming it, giving it to a charity, arranging for it to be euthanased or in any other way.
- If you detain a horse you are responsible for its welfare whilst detaining it per the Animal Welfare Act 2006.



What do I do if I am concerned about the welfare of horse(s) who may be abandoned or fly-grazing?

If you are concerned about the welfare of any horse, contact one of the welfare charities listed overleaf.

What do I do if I see a horse straying on the road?

- Many abandoned or stray horses are found wandering on roads; any horse found on a road should be reported to the Police and/or your Local Authority. If you feel there is an immediate danger to road users call 999. In non-emergency instances the local authority has powers to deal with the situation simply and quickly and can also work in conjunction with the police.

Where can I obtain further information?

- Whilst landowners can take direct action to detain fly-grazed horses on their land, it is advisable to seek legal advice first.
- The NFU, CLA and Countryside Alliance are able to offer further information and advice to their members (see links below).
- Additionally private equine bailiff firms may be able to offer advice alongside removal services.
- Animal charities will be able to offer further information on fly-grazing and advice on rehoming horses (see links below).

For the purposes of this guidance the term “horse” is taken to include any ass, mule or hinny.

NB This guidance is for England only, and not Wales where the legal situation is different. If you are in Wales, please see the following link www.legislation.gov.uk/anaw/2014/3/contents/enacted

Control of Horses Act:

www.legislation.gov.uk/ukpga/2015/23/contents/enacted

Links to rural organisations:

www.nfu.org.uk
www.cla.org.uk
www.countryside-alliance.org

Links to welfare charities:

www.bhs.org.uk
www.horseworld.org.uk
www.newc.co.uk
www.redwings.org.uk
www.rspca.org.uk
www.worldhorsewelfare.org

