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Canllaw i Ddeddf Rheoli Ceffylau (Cymru) 2014

Guide to the Control of Horses (Wales) Act 2014

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These guidance notes relate to the Control of Horses (Wales) Act 2014 with effect from 27 January 2014

The Welsh Government intends to review this guidance annually and include examples of best practice. If you have any suggestions or require clarification of any part of this document please e-mail the Equine Policy mailbox – [**equinepolicy@wales.gsi.gov.uk**](mailto:equinepolicy@wales.gsi.gov.uk)

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Guide to the Control of Horses (Wales) Act 2014

This guidance has been prepared by the Welsh Government Agriculture and Rural Affairs Division and should be read in conjunction with the Control of Horses (Wales) Act 2014 (The Act).

Please note that this is not an exhaustive guide to the legislation and has no legal standing. In case of doubt, please refer to the Control of Horses (Wales) Act 2014 or consult your own legal advisor. These guidance notes apply to Wales only.

The aim of the Act is to provide a further tool for local authorities to use in combatting fly grazing, straying and abandonment of horses and ponies. It is not intended to be a panacea to the problems that authorities face.

Existing legislation such as the Animal Welfare Act 2006, the Equine Identification (Wales) Regulations 2009, the Highways Act 1980 and the Crime and Disorder Act 1998 should continue to be considered and used as appropriate and when circumstances dictate.

In addition a package of measures is contained in an Action Plan which has been published by the Welsh Government to deal with fly grazing, straying and abandonment of horses and ponies. This plan was developed in response to a number of suggestions that were made during the consultation on the need for an all Wales solution to the problem. The Action Plan sets out how working with other interested parties, Welsh Government proposes to deal with the related issues. Suggestions include amongst other things improved

education and awareness especially on horse breeding and ownership and stricter equine identification laws. The Action Plan will sit alongside the Act to assist local authorities and other stakeholders and partners to take a holistic approach to dealing with the issue of fly grazing and horse abandonment.

The term 'horse' used throughout this guide means all horses, ponies, mules and any other equine animal.

Introduction

Fly grazing is the term that has been adopted to describe actions by irresponsible owners who allow animals to graze on land where they do not have the consent of the occupier of the land or where the consent has been withdrawn.

These actions often impact on public safety (through straying onto highways), on communities (public and privately owned land), the agricultural industry, the welfare of the animals concerned, as well as placing financial burdens on individuals and on the tax payer. Fly grazing is often linked to implied threats and intimidation as well as animal neglect and cruelty.

The Welsh Government vision is for a fly grazing free Wales. A zero tolerance approach to the practice that will ensure that the future sees Wales free from the unacceptable social, economic and environmental harm caused by the nuisance of fly grazing.

Background

Fly Grazing, in simple terms, is the actions of irresponsible owners intentionally or negligently permitting their horses to graze on land where they do not have the consent of the occupier of the land or where that consent has been withdrawn and the horse owner has refused to move them. In some cases the horses involved are unidentified in terms of ownership, appear suddenly, strip the land of available grazing and disappear as quickly as they appeared leaving the occupier of the land with large bills to repair the damage caused.

The main issues associated with fly grazing, straying and abandonment of horses and ponies are:

- a risk to public safety when stray horses are found on highways causing road closures and diversions to motorists and potential accidents;
- a nuisance to communities on public land including parks, playgrounds and other public spaces and private land such as residential property;
- an impact on the agricultural industry when land and fencing is damaged leaving insufficient grazing for the occupier's own stock and creating a potential for the occupier's stock to stray;
- an environmental impact when ground is overgrazed and land becomes poached;
- welfare concerns linked to the discovery of uncared for, starving and dead horses; and
- a considerable financial burden to those dealing with the problem.

- The horses involved are often left for long periods of time and with their ownership unknown or in doubt, leaving occupiers of land in a very difficult position as they potentially then become responsible in law for the welfare of the animals.

Purpose and intended effect of the Control of Horses (Wales) Act

The Control of Horses (Wales) Act provides a consistent approach to enforcement across Wales.

The primary policy objective in relation to this Act is to work towards establishing a fly grazing free Wales. The Act will provide all local authorities in Wales with consistent legal powers to seize, impound, sell, re-home, return, dispose of and destroy horses by humane means after certain notifications and time limits, when the horses are found causing nuisance by fly grazing, straying or have been abandoned in a local authority area.

It is proposed that the effect of this Act will see enforcement authorities working together to protect the public and the environment from the nuisance caused by the practice of abandonment, straying and fly grazing. The powers within the Act will enable local authorities to act when they are notified of horses on land in its area without lawful authority. Local authorities will be able to dispose of those horses, if after 7 days, beginning on the relevant day, the owner of the horse(s) or a person acting on behalf of the owner has not contacted the local authority. It may also dispose of those horses where the owner has contacted the local authority but has not paid or disputed the reasonable costs incurred in connection with seizure and impounding.

The relevant day will either be when the Notice was given to the owner or when the notice was displayed (whichever is applicable).

This guidance is produced to accompany the Act with the aim of providing examples of good practice on how the Act may be operated effectively.

Executive Summary

Section 1: Overview

Section 1 defines the main terms used in the Act. This section summarises what the Act permits local authorities to do when horses are without lawful authority in public places or other land without the consent of the occupier.

Section 2: Power of local authorities to seize horses

A local authority may seize and impound a horse which is on the highway or any other public place in the local authority's area or if a horse is on other land in its area without the consent of the occupier of the land and the occupier agrees to the local authority seizing and impounding it. The local authority must have reasonable grounds to believe the horse is on the land without lawful authority before it can use these powers.

Section 3: Notices about Seizure etc.

The local authority is required to post a written notice within 24 hours of seizing a horse under section 2, at or near the place where the horse was seized stating the date and time it was seized and detailing how contact may be made with the local authority. It must also within 24 hours of seizing a horse, give written notices to a constable (to inform the local police force of its actions) and to any person who appears to be the owner or a person acting on behalf of the owner of the horse.

The local authority must take reasonable steps (as set out in paragraph 1.3) to establish the identity of the owner of

the horse as soon as reasonably practicable following its seizure. If, within 7 days of seizing a horse under section 2, the local authority ascertains that a person who has not already been given written notice under the Act, is the owner of the horse, the local authority must within 24 hours, give a written notice to that person. If a notice is issued in these circumstances (i.e. notice given under section 3(4)), the 7 days period recommences from the date of this notice.

The notices given under sections 3(3) and 3(4) must be dated and include a description of the horse, and the date, time and place at which the horse was seized together with contact details of the local authority.

A notice to a person believed to be, or to be acting on behalf of, the owner of a horse must also state why the local authority believes that person to be either the owner of the horse or a person acting on behalf of the owner. The notice must set out the effect of the operation of section 5 (disposal of impounded horses) including the date on which the powers under, section 5 (2) to sell, or otherwise dispose of, the horse (including arranging for its destruction) will become available. A notice issued to a constable must also state who else has been served with a notice.

Section 4: Costs of seizure etc.

The owner is liable to pay the local authority any costs reasonably incurred in the seizure and impounding of the horse and in feeding and maintaining it while it has been impounded. The Act does not require the local authority to return the horse until such costs incurred are paid. General law requires the horse to be looked after while under local authority care.

The local authority must give notice to the owner of the amount it considers the owner is liable to pay with an explanation of how the amount has been determined.

That notice must also inform the owner that they have a right to refer a dispute as to the costs claimed by the local authority to the Welsh Ministers and to inform them how they may exercise that right.

Section 5: Disposal of impounded horses

Section 5 provides powers for the local authority to sell or otherwise dispose of the horse, including arranging for its destruction. Destruction will be carried out in as humane a manner as possible. This section applies subject to section 7 (Resolution of disputes about amounts payable).

The provisions in this section will apply if after the period of 7 days beginning either on the date that a notice is placed under section 3(1) or given under subsection (4), no person has notified the local authority that they are either the owner of the horse or acting on behalf of the owner of the horse. Section 5 will also apply subject to section 7, if the owner has contacted the local authority but has either not complied with section 4(1) or has been given notice under section 4(3) about their liability for costs and has not paid those costs 7 days from receiving that notice.

The local authority may also recover any costs it may incur in relation to any arrangements for the disposal or destruction of the horse under this section. This section also provides that where there are no proceeds arising from the disposal of the horse, or the amount of costs of the disposal or destruction exceed the amount of those proceeds; the local authority may seek to obtain such costs from the owner. The owner is liable to pay the local

authority any costs incurred in connection with the disposal of the horse or the amount of that excess.

The local authority must give notice to the owner of the amount it considers the owner is liable to pay in connection with the disposal of the horse with an explanation of how the amount has been determined.

In that notice the local authority must also advise the owner that they have a right to refer a dispute to the Welsh Ministers, as to the costs claimed by the local authority and how to exercise that right.

This section also provides that the local authority is required to pay the owner of the horse any proceeds arising from the disposal of the horse where the proceeds exceed the amount of the costs incurred by the local authority; but if a local authority has previously made a payment to a person it reasonably believes to be the owner it is not required to repay any other person.

Section 6: Record of horses dealt with

The local authority is required under this section to keep a register of all horses seized under section 2 of the Act and that register must contain a brief description of the horse, a statement of the date, time and place at which the horse was seized and when it was impounded and details of the steps taken to establish the owner. In addition if the horse has been disposed of, the details and manner in which the horse was disposed of under section 5. The register must be open to inspection by members of the public (either in person or on the internet) at all reasonable times.

Section 7: Resolution of disputes about amounts payable

This section applies where the owner of a horse disputes the amount the local authority claims they are liable to pay to them under section 4(1) or 5(4); or the amount payable to the owner by the local authority under section 5(5).

The owner of the horse may, within 7 days of receiving a notice under section 4(3) or 5(7), refer the dispute to the Welsh Ministers for resolution. The owner must give, in that notice to the Welsh Ministers, a statement of the reasons for disputing the amount claimed. The Welsh Ministers must forward any such notice to the local authority concerned and it may require that local authority to provide them with any information which they consider may assist them in resolving the dispute. The local authority concerned may also make representation to the Welsh Ministers within 7 days of receiving notice from the Welsh Ministers, of the referral by the owner.

The Welsh Ministers must resolve the dispute as soon as is reasonably practicable in all the circumstances.

If the dispute is in relation to section 4(1), the local authority may not dispose of the horse until the dispute is resolved.

Section 8: Consequential repeals

This section sets out the relevant provisions contained in the three local Acts which cease to have effect as they will be unnecessary as a result of the coming into force of this Act. These repeals are as follows:

- (a) section 29 of the Cardiff City Council Act 1984 (c.xv);

- (b) in section 15(8) of the Mid Glamorgan County Council Act 1987 (c.vii), the words “horses (including ponies, mules, jennets),”; and
- (c) in section 35(7) of the West Glamorgan Act 1987 (c.viii), the word “horses”.

Section 9: Interpretation

This section sets out the definitions for a “horse” and a “local authority” within this Act.

Section 10: Commencement and short title

This section confirms when the Act comes into force and establishes the Act’s title as the ‘Control of Horses (Wales) Act 2014’.

The Control of Horses (Wales) Act

Section 1: Overview

1.1 General explanation of section

This section provides a summary of what the Act permits local authorities to do when horses are in public places without lawful authority or on other land without the consent of the occupier of that land.

1.2 Who is affected by the Control of Horses (Wales) Act 2014?

The Act is only likely to affect those individuals who abandon their horses or intentionally or negligently permit their horses to graze on land where they do not have the consent of the occupier of the land or where the consent has been withdrawn and the horse owner has refused to move them.

The Act provides local authorities with the powers to act according to the circumstances they face and in the best interests of all concerned.

1.3 When attempting to identify the owner of a horse(s) what could a local authority do?

Local authorities need to assess each individual case and will need to consider whether the horse has escaped from its usual place of residence or whether it is a wilful act of abandonment or fly grazing.

It may well be that a horse has escaped and is straying and an owner is looking for it. The horse(s) will also need

to be checked, where possible¹, to see if a microchip is implanted and in the case of a chip being found enquiries should be made via Defra (horse.passports@DEFRA.gsi.gov.uk) asking that a search of the Passport Issuing Organisations be requested to ascertain which organisation issued a passport for the horse(s). Further information on verifying ownership may be found at 3.12 and 3.13 of this guidance.

Local authorities are required to take all reasonable steps (as set out above) to ascertain the ownership of the horse and would be expected to make enquiries from relevant individuals, organisations for any horse(s) that has been reported as abandoned, straying or found fly grazing.

The Animal Welfare Act 2006 sets out the legal duty of care that owners and keepers have for animals for which they are responsible. A person may be responsible for an animal on a permanent or temporary basis. A person could therefore be responsible for an animal if they own it or are in charge of it. An owner always has ongoing responsibility for their animal even if another person is in charge of it. A parent or guardian of a child under 16 years old is responsible for any animal that is owned or cared for by the child. This ensures that an adult can be identified as a person responsible for an animal. If the owner leaves an animal in the care of another person, it is the owner's duty to ensure the keeper is competent and has the necessary authority to act in an emergency.

¹ Consideration will need to be given in respect of each individual incident and the practicalities of undertaking such an exercise e.g. are the horses semi-feral, is there a health and safety risk to the officers concerned and does the location lend itself to undertaking such checks.

1.4 What does a local authority need to do to ensure that potential owners can contact them?

It is recommended that local authorities have a single mobile or landline telephone number and a single corporate e-mail address that they specify on any notices.

Section 2: Power of local authority to seize horses

2.1 General explanation of section

This section sets out under what circumstances, and what legal powers are given to a local authority officer to seize and impound any horse(s) in that local authority's area. The power may be exercised when the horse is on the highway or in any other public place in the local authority's area and when any horse(s) is on other land without the consent of the occupier in that local authority's area and where the occupier has given consent for the local authority to enter their land to seize the horse(s).

Before exercising their power, the local authority officer has to have reasonable grounds to believe the horse is there without lawful authority.

2.2 What is the local authority area?

This relates to the geographic area that a local authority is responsible for in the provision of local government services. Since 1 April 1996 Wales has been divided into 22 single-tier principal areas known as "county", "county borough" or "city" councils.

2.3 What constitutes a public place?

A public place is a place that is generally open and accessible to people and could include: Roads, public squares, parks, playgrounds, school premises, publically owned land and Government owned common land etc.

2.4 What is meant by other land?

This includes land that is:

- privately owned where the owner or the tenant(s) of the land has the sole use of the land; and
- Common land that is privately owned

2.5 What is meant by ‘without local authority or occupier consent?’

This covers a situation where the local authority or the occupier/owner of the land has not given their consent to the person responsible for the horse(s) to graze or to continue to graze them on the land in question. This could for example be as a result of a grazing agreement coming to an end and the person responsible for the horse(s) refusing to remove them.

2.6 Who needs to give consent to seize?

In the case of horses found grazing without the consent of the occupier / owner of other land that occupier / owner will need to give the local authority consent to enter their land if they require the local authority to seize and impound horses from their land.

2.7 What is meant by ‘without lawful authority’?

Where the owner of the horse(s) has no authority to keep/graze their horse(s), because no permission has been granted for them by the occupier/owner of either public or private land or where that permission has been withdrawn.

2.8 What is meant by reasonable grounds?

Whether the local authority can meet the threshold test of 'reasonable grounds' to believe the horse is there unlawfully will depend on the situation that confronts them in particular whether public safety can be ensured. For example where horses are found roaming the streets, are on housing estates, are in a public parks or on school premises, the facts of these types of situation are highly likely to meet the test of 'reasonable grounds' to believe they are there unlawfully.

By way of contrast, in the case where horses appear on public land where there may be grazing rights a local authority officer would have to make the appropriate local enquiries as to where the horse(s) came from, and who may possibly own them to be able to satisfy the reasonable grounds test to be able to seize the horse(s).

Where horses, which may be fly grazing, straying or are abandoned are on privately owned land, the local authority officer would need to make similar enquiries both locally and of the occupier of the land to satisfy the reasonable grounds test. Before seizure and removal of the horses can take place the local authority would also need to obtain the consent of the occupier of the land.

The local authority officer would need to undertake an appraisal of the particular facts of each situation in order to be satisfied that the reasonable grounds test was met. To do this local knowledge and close collaboration with the police and the local community is likely to provide that officer with useful information on which to base their belief.

2.9 In what circumstances might a horse(s) be seized by a local authority?

A local authority may, where the 'reasonable grounds' test is met (see Section 2.8 above), seize and impound a horse, examples may include:

- posing a threat to people or property;
- posing a threat to the health and welfare of people and animals;
- straying on the highway;
- causing environmental damage;
- causing a nuisance
- not identifiable or capable of being identified; or
- causing problems on agricultural land.

2.10 What happens when the horse(s) are seized?

- The seized horse(s) is taken into the care of the local authority because those horse(s) were on land without the agreement of the occupier / owner.

2.11 Where will the horse(s) be impounded?

- Facilities used to impound such horses may include remaining in-situ, a local authority pound/livery yard/charity premises / private stables or any other suitable facility where the needs of the animals can be met.

A local authority will need to ensure that they have access to appropriate facilities where seized horses can be transported to safety and cared for in order to ensure that their needs are met. The details and location of the facilities holding seized horses should as far as possible be kept out of the public domain in order to ensure the safety and security of local authority facilities, staff and the seized horses.

Section 3: Notices about seizure etc.

3.1 General explanation of section

This section sets out the procedure that a local authority is required to inform owners or persons who appears to be acting on behalf of the owners that their horse(s) has been seized by them. The local authority must take reasonable steps to ascertain the owner of the horse as soon as reasonably practicable following its seizure. Examples of what those reasonable steps might be are set out in paragraph 1.3 above.

The Act provides for four types of Notices which must be provided by the local authority following seizure of a horse and what information they must contain (Please see Annex 1).

A notice must be put up at or near the site where the horse(s) was seized; one must be given to a constable. The other type of notice is given to (a) a person who appears to be the owner or acting for the owner, if known or (b) if that person is not identifiable within 24 hours of the horse being seized, a notice to the owner following searches which establish that person as the owner.

I. Displaying a Notice at or near site of seizure

When a horse(s) is seized by the local authority, the local authority must within 24 hours of seizure put up a written notice at or near the place where the horse(s) was seized. That notice must include the date and time at which the horse was seized together with contact details of the local authority which seized it.

II. Notices to constables

The local authority must within 24 hours of seizing a horse give a written notice to a constable. A notice issued to a constable must state who else has been served with a notice.

III. Notices to a person who appears to be the owner or acting for the owner, if known

The local authority must give a written notice within 24 hours of seizing a horse to any person who appears to be the owner or a person acting on behalf of the owner of the horse. That notice must state why the local authority believes that person to either be the owner of the horse(s) or a person acting on behalf of the owner.

IV. Notice to the owner following searches made by the local authority

If no owner has been identified within 24 hours of seizing a horse, so no notice can be given to that person, the local authority must make further enquiries as to ownership. Then, if within 7 days of seizing a horse the local authority ascertains that a person who has not already been given written notice under the Act, is the owner of the horse, the local authority must within 24 hours of identifying that owner by way of its searches, give a written notice to that person.

Notices to owners or persons who appear to be the owner or acting on their behalf must state what may happen to the horse which the local authority has impounded. This information must include the date on which the local authority will be able to sell, or otherwise dispose of, the horse and that this might mean arranging for its destruction. All notices must be dated.

3.2 What format must the notice take?

Any notice issued or displayed must be a written notice (hand written or produced electronically). Sample notices are attached at Annex 1.

3.3 Where should the local authority display a notice?

The notices displayed must be in a conspicuous place either at the point of seizure or as close as practicably possible. Local authorities should try to ensure that the notices displayed remain visible for the 7 day period following the putting up of that notice. It is recognised that notices are frequently torn down and removed so a local authority should try to ensure that if this happens, notices where possible are replaced to ensure that the rightful owner of any horse(s) seized has ample opportunity to learn of the seizure and know who to contact. It is recommended to local authorities that they take photographs of the notices as displayed in order that they can then evidence the fact that notices were displayed in accordance with the statutory requirements under the Control of Horses (Wales) Act 2014.

3.4 What details need to be included on the notices put up at or near the site of seizure of the horse(s)?

The notice must contain the date and time the seizure took place and the local authority contact details which should include both an address and a direct telephone number in order to assist any owner to reclaim the horse(s) as specified in the example at Annex 1.

It is recommended that local authorities also put up in the notice, the number of horses seized and a brief description of the horses involved. For example – Eight (8) horses seized as follows, 1 grey mare, 3 bay geldings, 2 chestnut mares and 2 black and white geldings on 14 October, 2013 at 11.30 am.

3.5 How should contact be made with the local authority?

By any appropriate means as described in the notice which may include by telephone, e-mail, fax or in person.

3.6 What is meant by give notice to a constable?

This is the notice given by the local authority to a local police station in the relevant local authority area in which the horse was seized. This notice must be given within 24 hours of the horse being seized and must include the same information as the one posted at or near the site of seizure. This notice can be handed to the police station in person, e-mailed or faxed to a named constable within the police station who is authorised to take receipt. It is quite likely that the police will already have been involved in the seizure and be aware of the circumstances and nature of the incident, however it is recommended that local authorities ring any police officer involved to confirm receipt of any notice sent.

In addition the notice must also specify who else has received a copy of the notice i.e. the owner or someone acting on behalf of the owner, if that person has been identified within 24 hours of seizure of the horse.

3.7 What steps does a local authority need to take to identify the owner of the horse(s)?

Local authorities are required to take all reasonable steps (as set out in paragraph 1.3) to ascertain the ownership of the horse and would be expected to make enquiries from relevant individuals, organisations for any horse(s) that has been reported as abandoned, straying or found fly grazing.

3.8 What kind of notice is given to the owner or person acting on behalf of the owner within 24 hours of the horse(s) seizure?

Where the owner or person acting on behalf of the owner is known, the local authority must give that person a written notice which provides the following information: the date and time the seizure took place, a brief description of the horse(s) involved and the local authority contact details.

The notice must also include the date when the local authority will have the legal authority to dispose of an impounded horse(s) through sale or otherwise including its humane destruction. The notice also needs to state why the local authority believes that the person being given the notice is the legal owner or person acting for the legal owner of the horse. An example notice is included at Annex 1.

3.9 If a notice is served on an owner or someone acting on behalf of an owner within 24 hours of the horse(s) seizure does the local authority need to inform the constable of the serving of that notice?

Yes and it must provide details of the person to whom that notice has been given.

3.10 Where the owner or someone acting on behalf of the owner comes forward within the 7 day period of the notice being displayed at the site how long does the local authority need to give them to recover the horse(s)?

The clock stops once an owner comes forward. The 7 day period starts again from the day on which a further notice, setting out the costs for which the owner is liable, is given to the owner. The owner then has 7 days to pay those costs or refer to the Welsh Ministers any dispute it may have about those costs.

3.11 When a person, identified as the owner, is given a notice by the local authority how long does the local authority need to give them to recover the horse?

The clock stops once an owner comes forward. The 7 day period starts again from the day on which a further notice, setting out the costs for which the owner is liable, is given to the owner. The owner then has 7 days to pay those costs or refer to the Welsh Ministers any dispute it may have about those costs.

3.12 How does a local authority verify ownership of any horse(s) they have seized?

Under the Equine Identification (Wales) Regulations 2009 owners are required to identify their horses, this identification takes the form of a passport and for those horses born or first issued with a passport after 1 July 2009 a micro-chip. The microchip is inserted in the nuchal ligament in the neck and links the horse to the passport. Some horses born before 2009 are micro-chipped so local authorities are advised to scan all horses seized. Passports also include a drawn silhouette and written description of the markings of the horse and although not a requirement by the EU to continue this practice post 2009 the majority of Passport Issuing Organisations (PIOs) still require this section to be completed. Some PIOs go further and require a photograph of the horse to be included within the passport.

It is reasonable for a local authority to expect anyone claiming to be the owner or acting on behalf of an owner to produce the passports for their horses. The local authority should then check that the microchip number, colour, and markings as set out in the passport match the horse seized. The passport also needs to be in the name of the owner and local authorities are advised to check carefully that any passports presented are in the name of those claiming to be the owner.

Where a horse has recently changed hands, the new owner has a period of 30 days to update a horse passport into their name and it is a criminal offence under the Equine Identification (Wales) Regulations 2009 not to do so.

Guidance on equine identification and how to obtain a horse passport may be found on the Welsh Government website at: <http://wales.gov.uk/topics/environmentcountryside/ahw/horses/>

3.13 What evidence does an owner need to provide to the local authority to confirm ownership of any seized horse(s)?

Owners or those acting on behalf of the owner will need to produce horse passports to the local authority. The passports must be valid and be in the format described under the Equine Identification (Wales) Regulations (European Commission Regulation 504/2008) and must be correctly issued and updated by the Passport Issuing Organisation (PIO) to include the name of those that are claiming to be the owner. In the case where an owner has recently purchased the horse and the passport has been returned to the PIO for updating they will need to provide evidence of the purchase (e.g. auctioneers/private receipt of purchase) and details of the PIO updating the passport so that the local authority can make additional enquiries.

3.14 What happens if an owner cannot prove ownership of any horses seized?

In the event that there is no indisputable evidence as to the ownership of the horses a local authority will be able to dispose of the animals in the most appropriate manner.

Section 4: Costs of seizure etc.

4.1 General explanation of section

The owner is liable to pay the local authority any costs reasonably incurred in the seizure and impounding of the horse and in feeding and maintaining it while it has been impounded. Local authorities are not obliged to return any horse(s) to an owner until that owner has paid any reasonable costs incurred by the authority. Any local authority which seizes and impounds any horse(s) has a duty under the Animal Welfare Act 2006 to look after any animals under their care which includes ensuring that all their basic needs are met in respect of environment, diet, behaviour, company and health and welfare.

The local authority must give a notice to the owner of the horse(s), when coming forward to claim it, of the amount it considers the owner is liable to pay. That notice must contain an explanation of how the amount has been arrived at by the local authority.

That notice must also inform the owner that they have a right to refer a dispute as to the costs claimed by the local authority, to the Welsh Ministers. Further information on this process is contained under Section 7 to this guidance.

4.2 What is meant by reasonable costs?

A local authority will be required to provide a full breakdown of the costs accrued in seizing impounding and caring for the horse on behalf of the owner. These costs will only reflect the actual expenses incurred by the local authority.

4.3 What happens once the owner has paid the costs?

Where an owner has paid the costs accrued by the local authority the horse will be returned to the owner. The local authority is required to inform the owner of the horse(s) that they have a right of review to Welsh Ministers if they believe that the costs being claimed by the local authority are unreasonable.

4.4 Can the owner still have a review carried out against the costs if he/she has paid them and the horse(s) have been returned?

Yes, an owner can apply for a review of costs to Welsh Ministers retrospectively i.e. after the costs have been paid and the horse(s) returned to the owner. Any review application must be made within 7 days of the notice of costs being given to the owner.

4.5 What happens if the owner refuses to pay the costs?

In the case of an owner refusing to pay the costs the local authority is not obliged to return the horse(s), they must inform the owner that they will be looking to dispose of the horse(s) by appropriate means 7 days after the relevant day expires.

The local authority must inform the owner that they have a right of review to Welsh Ministers in order to seek a resolution to any dispute on the costs. An owner must seek a review within 7 days of receiving notification of costs from the local authority. Where an owner seeks resolution through the review process the local authority will be

obliged to keep the horse(s) until such time that the review is determined. The local authority will need to make owners aware that in the event of Welsh Ministers finding on behalf of the local authority the owner of the horse(s) will be liable to pay the additional costs accrued by the authority in keeping the horse(s).

4.6 Does the authority have to tell an owner they have a right of review against the costs imposed?

Yes, the local authority must tell the owner that they have a right to refer any dispute on the costs accrued by the local authority to the Welsh Ministers.

4.7 What should an authority do if the owner disputes the costs?

In the case of an owner seeking a review to Welsh Ministers for a resolution on disputed costs the local authority will be obliged to retain the horse(s) until such time that the review is determined. The local authority will need to make owners aware that in the event of Welsh Ministers finding on behalf of the local authority the owner of the horse(s) will be liable to pay the additional costs accrued by the authority in keeping the horse(s). A local authority may not dispose of a horse until the review is determined.

4.8 What does an owner need to do if they want to dispute the costs?

It is recommended that an owner should notify the local authority that they are referring the matter to Welsh Ministers. They must then write formally to Welsh Ministers

c/o The Equine Policy Branch, Welsh Government, Cathays Park, Cardiff CF10 3NQ (equinepolicy@wales.gsi.gov.uk) setting out the details of the dispute, the costs charged by the local authority and the reasons why they are not considered 'reasonable costs'. Their letter seeking a review needs to be sent/e-mailed to Welsh Ministers within 7 days of notification of charges by the local authority. Owners are advised to obtain proof of receipt as proof of postage may not be sufficient evidence that a letter seeking review has been sent. The Welsh Ministers will then notify the local authority concerned and seek its response to the application for a review by the owner.

4.9 What will the Welsh Government do when they receive an application for a review against costs?

On receipt of an application for a review against the costs accrued under the seizure and impounding powers being claimed by a local authority Welsh Ministers will request information from the relevant local authority on the facts of the case. Local authorities are required to respond within 7 days to any such requests from the Welsh Ministers. In addition Welsh Ministers will, where relevant, seek advice from relevant industry professionals and experts in order that they can provide a fair and informed decision on the reasonableness of costs charged. A determination by Welsh Ministers will take place as soon as practicably possible after receipt of relevant evidence.

4.10 Who is responsible for any horse(s) whilst a dispute is pending?

In the case of the owner paying the costs and the horse having been returned the owner will be responsible for the

health and welfare of the horse(s). Where an owner has refused to pay the costs and the local authority retains the horse the duty of care as set out under the Animal Welfare Act will fall to the relevant local authority.

4.11 Who will determine any reviews against costs?

Welsh Ministers will make a determination on any review on the basis of the evidence provided by the owner, the local authority and any relevant industry professionals and experts.

4.12 Will the decision made by Welsh Ministers be binding?

Yes.

4.13 Who will be liable for any costs or fees?

If the Welsh Ministers find in favour of the owner, the local authority will be required to reduce the amount the owner is liable to pay to them, in accordance with the Welsh Ministers findings. If the Welsh Ministers find in favour of the local authority, the owner remains liable to pay those costs to the local authority.

There is no fee payable by the owner to bring a case for review on costs imposed by the local authority.

Section 5: Disposal of impounded horses

5.1 General explanation of section

This section sets out the powers that a local authority has to sell or otherwise dispose of the horse(s), including arranging for its destruction in an appropriate and humane manner.

A local authority will be able to dispose of a horse 7 days from the relevant day which is either the day the notice is:

1. Placed (in a conspicuous place either at the point of seizure or as close as practicably possible); or
2. Given as a written notice to the owner who has been located by the local authority through appropriate searches.

Where the owner has contacted the local authority but has either:

1. Not paid the costs reasonably incurred by the local authority within 7 days from the date specified on the notice; or
2. Has been given notice of their right of review but has not exercised their right to seek a review to the Welsh Ministers within 7 days of the notification of charges payable.

The local authority may also recover any costs it may incur in relation to any arrangements for the disposal or destruction of the horse under this section. This section also provides that where there are no proceeds arising

from the disposal of the horse, or the amount of costs of the disposal or destruction exceeds the amount of those proceeds; the local authority may seek to obtain such costs from the owner. The owner is liable to pay the local authority any costs incurred in connection with the disposal of the horse or the amount of that excess.

The local authority must give notice to the owner of the amount it considers the owner is liable to pay in connection with the disposal of the horse with an explanation of how the amount has been determined. In that notice the local authority must also advise the owner that they have a right to refer a dispute to the Welsh Ministers, as to the costs claimed by the local authority.

This section also provides that the local authority is required to pay the owner, of the horse, any proceeds arising from the disposal of the horse where the proceeds exceed the amount of the costs incurred by the local authority but if a local authority has previously made a payment to a person it reasonably believes to be the owner it is not required to repay any other person.

In the event that a local authority decides to dispose of a horse via sale they are recommended to refer to the guidance on the Equine Identification (Wales) Regulations 2009 which provides information on how to obtain a passport. This guidance may be found on the Welsh Government website at: <http://wales.gov.uk/topics/environmentcountryside/ahw/horses/>

5.2 What is meant by the relevant day?

The relevant day refers to the date that the local authority specifies on the written notice, this will either be:

1. Displayed (in a conspicuous place either at the point of seizure or as close as practicably possible); or
2. Given as a written notice to the owner who has been located by the local authority through appropriate searches.

5.3 What happens if the owner or a person acting on behalf of the owner fails to contact the local authority within 7 days of the relevant day?

A local authority may dispose of a horse(s) by the most appropriate means once a period of 7 days has elapsed from the relevant day.

5.4 What happens if the owner or a person acting on behalf of an owner contacts the local authority but fails to pay the costs incurred by the date specified on the notice or has not exercised their right of review on costs?

Where an owner fails to pay the local authority costs the local authority may dispose of the horses in the most appropriate manner. Before such an action takes place authorities need to be mindful of the owner's rights to a review and in the case of a review being lodged with Welsh Ministers an authority may not dispose of the horse(s) until the review has been determined.

5.5 What happens if an owner can prove that there was a genuine reason why the horse had been found grazing illegally; will they still be liable for costs?

The decision to charge a horse owner costs is at the discretion of a local authority. If it is a genuine case of a horse escaping from its permanent pasture and a one off incident with no history of the owner being previously involved in such practices it may be the case that an authority will decide to look more favourably on the incident and either return the horse at no cost to the owner, or charge a nominal sum.

5.6 What happens if a horse has been stolen and is then found fly grazing, straying or abandoned, will it be destroyed?

If an owner cannot be traced or does not come forward the local authority is entitled to dispose of the horse by the most appropriate way once the period of 7 days has elapsed following the relevant day. There is a requirement under the Equine Identification (Wales) Regulations 2009 for all equines issued with a first passport after 1 July 2009 to have a microchip implanted. Those owners who have horses that were born before 1 July 2009 and have not been micro-chipped are urged to consider getting their horses chipped and updating their passports with the relevant Passport Issuing Organisation to ensure that in a case of a horse being stolen and subsequently fly grazed, straying or abandoned being traced back to the rightful owner.

5.7 When will a local authority be able to dispose of a horse where the owner was given a notice within 24 hours of the horse being seized?

If the owner fails to claim the horse, pay the due cost, or inform the local authority that they are seeking a review from Welsh Ministers over costs claimed the local authority will be able to dispose of a horse after 7 days of the date on the notice being displayed at the site of seizure, that being the relevant day.

5.8 How can an authority dispose of a horse(s)?

An authority can choose to sell, re-home, return or dispose of by humane destruction (euthanasia).

5.9 Who is authorised to euthanase a horse?

A qualified and registered Veterinary Surgeon or an authorised slaughter man.

5.10 What happens if a local authority sells a horse and the costs accrued in seizing, impounding and caring for the horse until it can be sold are greater than the monies received following sale?

A local authority is able to claim the balance owing from the owner where the monies received for the sale of the horse are less than the costs accrued by the authority. A claim can only be made in the case where an owner is known or the owner has come forward but is unwilling to pay the costs for the return of the horse.

5.11 What happens if a local authority sells a horse and the costs accrued in seizing, impounding and caring for the horse until it can be sold are less than the monies received following sale?

A local authority may deduct any expenses reasonably incurred following the sale of a horse(s) and in the case of the expenses being less than the monies received the local authority is required to retain the balance received so that in the event of an owner coming forward the balance may be paid to the owner. Local authorities will need to retain any such monies for a period consistent with their own internal protocols for the retention of monies received.

The local authority will need to be assured that anyone being paid any balance of monies accrued as a result of the sale of the horse(s) was the legal owner of that horse(s). Local authorities are advised to ask for evidence such as a passport, bill of sale, photographs linking the horse to a person etc. Once an authority has made a payment to a person believed to be the owner they are unable to make further payments to others claiming to be the owner of the same horse.

5.12 What happens if the local authority is unable to identify the owner and decides to sell the horse?

It is a decision for the local authority as to what method of disposal they choose. If the horse is considered to have some value it may be viewed as appropriate to sell the horse in order that the authority may then claim some or all of its expenses in seizing, impounding and caring for

the horse until the disposal date. In the event that a local authority decides to sell a horse it will be required to obtain a passport and ensure that the horse is micro-chipped in accordance with the Equine identification (Wales) Regulations 2009 before a horse can be offered for sale. In this scenario the horse will need to be marked as not for human consumption.

5.13 What happens if a horse is found to have a microchip however it is impossible to trace an owner?

In the case of a local authority discovering that a horse that has been seized has a micro-chip they must make every effort to trace the owner by contacting Defra (horse.passports@DEFRA.gsi.gov.uk) and asking that a search of the Passport Issuing Organisations (PIO) be requested to identify which organisation issued a passport for the horse in question and to whom the passport was issued to. In the case where no match is found or a match is found but it is still impossible to trace the owner because the passport has not been updated the local authority may dispose of the horse once the 7 days from the relevant day have elapsed. Where the local authority decides that disposal should be through sale or re-homing they will need to contact the PIO linked to the micro-chip and request that a duplicate passport be issued for the horse. Where a PIO is unknown an authority will need to apply for a new passport from an ID only PIO using the microchip number found. In these scenarios the horse will need to be marked as not for human consumption.

Section 6: Record of horses dealt with

6.1 General explanation of section

The local authority is required to keep a register of all horses seized. The register must contain a brief description of the horse, a statement of the date, time and place at which the horse was seized and when it was impounded and details of the steps taken to establish the owner and, if the horse has been disposed of, the details and manner in which the horse was disposed of. The register must be open to inspection by members of the public (either by person or via the internet) at all reasonable times.

6.2 What should the register look like?

The register may be in any format providing that it is easily accessible for members of the public to view. It can be in an electronic format accessible from the local authority website or held as a physical copy that is open for inspection during normal office hours.

6.3 How often should the local authority update the register?

The register must be kept up to date and details of any horse(s) seized must be entered within the register to coincide with the displaying of any notice, in other words within a reasonable time period following seizure.

6.4 What does a brief description of the horse mean?

Local authorities are required to outline a brief description of the horse(s) seized as displayed on the notice as described at Annex 1. Local authorities may also wish to consider holding photographs (nearside, offside and front on) as part of the register process in order to assist in identifying horses seized.

6.5 Does the register need to include details of where the horse(s) have been impounded?

No, this should remain restricted information in order to maintain the safety and security of the horses seized and those persons tasked with caring for them.

6.6 What should be included when describing the location of the seizure?

The location should be described in the most appropriate manner, this may include reference to the name of the holding on which the horse(s) have been seized, a named area, an address, ordinance survey co-ordinates or a post code.

6.7 How much detail needs to be included in recording the details of disposal?

Following disposal of the horse the local authority is required to update the register stating the method of disposal; however it will be sufficient to state whether this was through sale of the horse, re-homing or by humane destruction. Under data protection rules the authority may not disclose the destination of those horses that have been

sold or re-homed to any individual purporting to be the owner following the disposal of the horse(s).

6.8 How can a member of the public access the register?

Anyone wishing to view the register will be able to attend the local authority offices during office hours and ask to view either a hard copy of the register or an electronic version. In the case of those authorities who hold the register electronically consideration should be given to a link being provided on the Local Authority website so that the public may view on line. Registers should be retained in accordance with the relevant local authorities' policy on retention period for official documents.

Section 7: Resolution of disputes about amounts payable

7.1 General explanation of section

This section makes provision for a dispute to be referred for resolution, by the owner of a horse where the owner disagrees with:

- the amount the local authority claims they are liable to pay in respect of the costs incurred by the local authority following seizure; or
- the amount they are liable to pay to the local authority for the costs incurred for the disposal of the horse(s); or
- the amount payable by the local authority to the owner following the deduction of the local authority costs in respect of the disposal of the horse(s) following the sale of the horse(s).

The owner of the horse may, within 7 days of receiving a notice from the local authority setting out its costs, refer the dispute to the Welsh Ministers for resolution.

The owner must provide the Welsh Ministers with a statement of the reasons for disputing the amount claimed and the Welsh Ministers must forward any such notice of dispute to the local authority concerned. They may require that local authority to provide them with any information which they consider may assist them in resolving the dispute. The local authority concerned may also make representation to the Welsh Ministers within 7 days of receiving notice from the Welsh Ministers, of the referral by the owner.

The Welsh Ministers must resolve the dispute as soon as is reasonably practicable in all the circumstances.

If the dispute is in relation to the costs incurred in the seizure and impounding of the horse(s) the local authority may not dispose of the horse until the dispute is resolved.

7.2 Does the authority have to tell an owner they have a right of review against the costs imposed?

Yes, the local authority must tell the owner that they have a right to refer any dispute on the costs accrued by the local authority to the Welsh Ministers.

7.3 What happens if an owner disputes the costs that the local authority is claiming?

In the case of an owner disputing the local authority costs the local authority is not obliged to return the horse(s) until such costs have been paid and that in the event that they are not paid they will be looking to dispose of the horse(s) by appropriate means after the 7 day period from the relevant day. In addition the local authority must inform the owner that they have a right of review by Welsh Ministers in order to seek a resolution to any dispute on the costs. An owner must make an application for a review within 7 days from the date of receiving notification of costs from the local authority. Where an owner seeks resolution through the review process the local authority must retain the horse(s) until such time that the review is completed. The local authority will need to make owners aware that in the event of Welsh Ministers finding on behalf of the local authority the owner of the horse(s) will be liable to pay the additional costs accrued by the authority in keeping the horse(s).

7.4 What does an owner need to do if they are presented with a bill for the disposal of their horse(s) and they want to dispute the costs?

It is recommended that an owner should notify the local authority that they are referring the matter to Welsh Ministers, they must then write formally to Welsh Ministers c/o The Equine Policy Branch, Welsh Government, Cathays Park, Cardiff CF10 3NQ (equinepolicy@wales.gsi.gov.uk) setting out the details of the dispute, the costs charged by the local authority and the reasons why they are not considered 'reasonable costs'. Their letter of review needs to be sent/e-mailed to Welsh Ministers within 7 days of notification of charges by the local authority. Owners are advised to obtain proof of receipt as proof of postage may not be sufficient evidence that a letter seeking review has been sent. The Welsh Ministers will then notify the local authority concerned and seek its response to the application for a review by the owner. That local authority must then respond to the Welsh Ministers within 7 days.

7.5 What should an authority do if the owner has not reclaimed their horse because they dispute the costs?

In the case of an owner seeking a review by Welsh Ministers for a resolution on disputed costs the local authority will be obliged to retain the horse(s) until such time that the review is determined. The local authority will need to make owners aware that in the event of Welsh Ministers finding on behalf of the local authority the owner of the horse(s) will be liable to pay the additional costs accrued by the authority in keeping the horse(s).

7.6 What will the Welsh Government do when they receive an application for a review against costs?

On receipt of an application for a review against the costs accrued under the seizure and impounding powers being claimed by a local authority Welsh Ministers will request information from the relevant local authority on the facts of the case. Local authorities are required to respond within 7 days to any such requests from the Welsh Ministers. In addition Welsh Ministers will, where relevant, seek advice from relevant industry professionals and experts in order that they can provide a fair and informed decision on the reasonableness of costs charged. A determination by Welsh Ministers will take place as soon as practicably possible after receipt of relevant evidence.

7.7 Who is responsible for any horse(s) whilst a dispute is pending?

In the case of the owner paying the costs and the horse having been returned the owner will be responsible for the health and welfare of the horse(s). Where an owner has refused to pay the costs and the local authority retains the horse the duty of care as set out under the Animal Welfare Act will fall to the relevant local authority.

7.8 Who will determine any review against costs?

Welsh Ministers will make a determination on any review on the basis of the evidence provided by the owner, the local authority and any relevant industry professionals and experts.

7.9 What will be the timeframe for the resolution of reviews by Welsh Ministers?

An owner disputing costs will be required to make an application for review in writing to Welsh Ministers within 7 days of the notification of charges being given to them by the local authority. The Welsh Ministers may on receipt of a referral for review request information from the relevant local authority on the facts of the case. Local authorities are required to respond within 7 days to any such requests from the Welsh Ministers. In parallel with the request for information from the local authority advice may, if required, be sought from relevant industry professionals and experts. A determination by Welsh Ministers will take place as soon as practicably possible after receipt of relevant evidence.

7.10 Will the decision made by Welsh Ministers be binding?

Yes.

7.11 Who will be liable for any costs or fees?

If the Welsh Ministers find in favour of the owner, the local authority will be required to reduce the amount the owner is liable to pay to them, in accordance with the Welsh Ministers findings. If the Welsh Ministers find in favour of the local authority, the owner remains liable to pay those costs to the local authority.

There is no fee payable by an owner who wishes to bring a case for review of local authority costs.

Section 8: Consequential repeals

8.1 General explanation of section

This section sets out the relevant provisions contained in the three local Acts which cease to have effect as they will be unnecessary as a result of the coming into force of this Act. These repeals are as follows:

- (a) section 29 of the Cardiff City Council Act 1984 (c.xv);
- (b) in section 15(8) of the Mid Glamorgan County Council Act 1987 (c.vii), the words “horses (including ponies, mules, jennets),”; and
- (c) in section 35(7) of the West Glamorgan Act 1987 (c.viii), the word “horses”.

8.2 What happens if a local authority covered by the old local Acts has historically had a problem with other live stock fly grazing, straying or abandoned?

The Mid Glamorgan and West Glamorgan Acts covered all animals. The powers in respect of livestock other than equines will remain, so problems, for example in respect of stray sheep will still be able to be dealt with under the old local Acts. The Cardiff Act only dealt with stray horses, this provision within the Act has been revoked and replaced by the Control of Horses (Wales) Act 2014.

Annex 1: Specimen Notices

Notice 1 (S.3 (1)) Notice to be displayed following seizure of horse(s)

Notice 2 (S.3 (3)(b)) Notice to the person who appears to be the owner of the horse(s) or the person who appears to be acting on behalf of the owner in relation to the horse(s)

Notice 3 (S.3 (3)(a)) Notice to be given to a constable

Notice 4 (S.3 (4)) Notice to person identified as the owner of the horse(s) following local authority checks

[LOCAL AUTHORITY NAME/LOGO IN HERE]

The Control of Horses (Wales) Act 2014

NOTICE UNDER SECTION 3(1) FOLLOWING SEIZURE OF HORSE(S)

THIS NOTICE is placed under section 3(1) of the Control of Horses (Wales) Act 2014 (“the Act”) by [INSERT NAME OF LOCAL AUTHORITY] (“the Local Authority”) in pursuance of its powers to seize horses under Section 2 of the Act.

A horse(s) described as: _____

Was (were) seized from the following location/address/area:

At the following date and time _____

If you are the owner or person acting on behalf of the owner, or have any information regarding the ownership of the horse(s) please contact:

[LOCAL AUTHORITY TO INSERT OWN CONTACT DETAILS HERE]

If no information is forthcoming within 7 days from the date of placing this Notice, steps may be taken to dispose of the horse(s) under section 5 of the Act, which may include its destruction.

Date of placing notice: _____

7 day period ends: _____

Signed by: [NOTICE TO BE SIGNED BY PERSON AUTHORISED TO ACT ON BEHALF OF LOCAL AUTHORITY] [INSERT NAME OF LOCAL AUTHORITY]

Notice 1 (S.3(1)) Seizure

[LOCAL AUTHORITY NAME/LOGO IN HERE]

The Control of Horses (Wales) Act 2014

NOTICE UNDER SECTION 3(3) (B) TO THE PERSON WHO APPEARS TO BE THE OWNER OF THE HORSE(S) OR PERSON WHO APPEARS TO BE ACTING ON BEHALF OF THE OWNER IN RELATION TO THE HORSE(S).

THIS NOTICE is given on [insert date] to _____ *[the person who appears to be the owner of the horse or person who appears to be acting on behalf of the owner in relation to the horse (delete as applicable)]* under section 3(3)(b) of the Control of Horses (Wales) Act 2014 ("the Act") by [INSERT NAME OF LOCAL AUTHORITY] ("the Local Authority") in pursuance of its powers to seize horses under Section 2 of the Act.

A horse(s) described as: _____

Was (were) seized from the following location/address/area:

At the following date and time: _____

If you are the owner or person acting on behalf of the owner, or have any information regarding the ownership of the horse(s) please contact:

[LOCAL AUTHORITY TO INSERT OWN CONTACT DETAILS HERE]

If no information is forthcoming within 7 days from the date of placing this Notice, steps may be taken to dispose of the horse (s) under section 5 of the Act, which may include its destruction.

Date of placing notice: _____

7 day period ends: _____

Signed by: [NOTICE TO BE SIGNED BY PERSON AUTHORISED TO ACT ON BEHALF OF LOCAL AUTHORITY]

[INSERT NAME OF LOCAL AUTHORITY]

Notice 2 (S.3(3)(b)) Owner

[LOCAL AUTHORITY NAME/LOGO IN HERE]

The Control of Horses (Wales) Act 2014

NOTICE UNDER SECTION 3(3) (a) FOLLOWING SEIZURE OF HORSE(S)

THIS NOTICE is given on [insert date] to a constable under section 3(3)(a) of the Control of Horses (Wales) Act 2014 ("the Act") by [INSERT NAME OF LOCAL AUTHORITY] ("the Local Authority") in pursuance of its powers to seize horses under Section 2 of the Act.

A horse(s) described as: _____

Was (were) seized from the following location/address/area:

At the following date and time: _____

A Notice under section 3(3)(b) of the Act has also been given to *(insert in here name and address of person given notice, if applicable)*:

If no information is forthcoming within 7 days from the date of placing the Notice at the site of the horse(s) seizure, steps may be taken to dispose of the horse (s) under section 5 of the Act, which may include its destruction.

Date of placing notice: _____

7 day period ends: _____

[LOCAL AUTHORITY TO INSERT OWN CONTACT DETAILS HERE]

Signed by: [NOTICE TO BE SIGNED BY PERSON AUTHORISED TO ACT ON BEHALF OF LOCAL AUTHORITY]

[INSERT NAME OF LOCAL AUTHORITY]

Notice 3 (S.3(3)(a)) Constable

[LOCAL AUTHORITY NAME/LOGO IN HERE]

The Control of Horses (Wales) Act 2014

NOTICE UNDER SECTION 3(4) TO PERSON IDENTIFIED AS THE OWNER OF HORSE(S) FOLLOWING LOCAL AUTHORITY CHECKS

THIS NOTICE is given on [insert date] to _____ [the owner of the horse(s)] under section 3(4)(of the Control of Horses (Wales) Act 2014 (“the Act”) by [INSERT NAME OF LOCAL AUTHORITY] (“the Local Authority”) in pursuance of its powers to seize horses under Section 2 of the Act.

A horse(s) described as: _____

Was (were) seized from the following location/address/area:

At the following date and time _____

The [insert name of local authority] following checks to ascertain ownership of the horse (s) has reason to believe that the person named above, is a person who has not already been given notice under section 3(3)(b) and is the owner of the horse (s) for the following reasons:

Please contact us on [LOCAL AUTHORITY TO INSERT OWN CONTACT DETAILS HERE]

If you do not respond to this Notice within 7 days from the date it is given, steps may be taken to dispose of the horse (s) under section 5 of the Act, which may include its destruction.

Date Notice is given: _____

7 day period ends: _____

Signed by: [NOTICE TO BE SIGNED BY PERSON AUTHORISED TO ACT ON BEHALF OF LOCAL AUTHORITY]

[INSERT NAME OF LOCAL AUTHORITY]

Notice 4 (S.3(4)) Owner Identified following checks