FLY GRAZING AND ABANDONMENT OF HORSES AND PONIES: DELIVERING A LONG TERM SOLUTION - BVA / WELSH BRANCH RESPONSE

1) The BVA is the national representative body for the veterinary profession in the United Kingdom and has over 13,000 members. Its primary aim is to protect and promote the interests of the veterinary profession in this country, and it therefore takes a keen interest in all issues affecting the veterinary profession, be they animal health, animal welfare, public health, regulatory issues or employment concerns.

2) The BVA’s Welsh Branch brings together representatives of the BVA’s territorial and specialist divisions, government, academic institutions and research organisations in Wales. The Branch advises BVA on the consensus view of the Welsh members on Welsh and United Kingdom issues. We have also consulted our Ethics and Welfare Group, a standing committee of BVA which considers ethical issues arising from the interaction of animals with human society. Our specialist division, the British Equine Veterinary Association has also contributed to the development of this response.

3) We were pleased to have been given the opportunity to contribute to the Welsh Government consultation on proposals to deliver a long term solution to the issue of fly grazing and the abandonment of horses and ponies in Wales. Although the consultation is not intended to address the wider issues of equine welfare and over breeding, any changes implemented may well have a positive impact on equine welfare in Wales.

4) A number of the consultation questions relate to personal experience of the enforcement of specific legislation and therefore are not relevant to veterinary surgeons. However, the profession does have views on equine identification and possible solutions to the problems of fly grazing / abandonment which are detailed under the corresponding consultation questions below.

Question 2: Do you agree with the definition of abandonment? If not, what is missing and how would you define the term abandonment?

5) Abandonment is no longer an offence in law. Previous abandonment legislation resulted in very few prosecutions as the key difficulty in defining abandonment is proving beyond reasonable doubt a person’s intention. If an owner claims that they intended to return then it is nearly impossible to disprove and therefore an attempted prosecution for abandonment fails. It could be a retrograde step to reintroduce the offence of abandonment unless it could be framed in the context of making adequate arrangements to meet the needs of an animal. We believe that the Animal Welfare Act has been an extremely positive step forward in this regard.

Question 4: Have you ever used (or know the use of) Section 7 of the Animals Act to find a solution to fly grazing / abandonment and if so did it provide an effective solution?

6) Section 7 provides that where livestock (to include horses) stray on to any land, the occupier of the land may detain it subject to that person notifying the police, and the owner if known, at the end of 48 hours. Once the animal has been detained for a minimum of 14 days the person detaining it may sell it at market or auction unless there are proceedings pending its return or a claim for damages. We believe that 14 days is too long and simply provides an unscrupulous owner with an opportunity to
graze their horse for 14 days. Once the owner has been notified, 7 days should be sufficient.

**Question 8:** Do you have any further views on the provisions available under the Equine identification (Wales) regulations 2009 which might assist the Welsh Government to provide a solution to fly grazing / abandonment?

7) The issue of equine identification is at the heart of the fly grazing / abandonment problem. Currently few equines grazing private land illegally, or grazing common land legally or illegally, are microchipped or have a valid passport. Without proper enforcement of equine identification requirements all other related legislation becomes unenforceable as the animal cannot be linked to an owner. There is currently no incentive for owners to identify their animals and no sanctions in place for failing to do so. Consideration should also be given to ways in which horses could be visibly identified in order to distinguish between those grazing common land legally, and those grazing common land illegally (NB BVA does not support hot branding of equines and is currently lobbying for a ban on welfare grounds)

8) The Equine Identification (Wales) regulations 2009 require that all horses issued with a passport from 1 July 2009 have a microchip inserted linking the horse to its passport via the microchip. Consideration should be given to requiring all horses issued with a passport prior to July 2009 to be microchipped as well.

9) However, the horse passport legislation is currently fundamentally flawed in placing the onus on the person acquiring a horse to notify the PIO of the acquisition. There have been numerous cases of microchipped horses being abandoned, where the owner has claimed they ceased to be the owner sometime in the past and it is the fault of the new owner for failing to register the change. Ownership and responsibility should lay with whoever is registered as being the owner.

**Question 9:** Many ponies found fly grazing or abandoned have no way of being identified. Despite the requirement for every horse or pony to have a microchip inserted since 1 July 2009 many of the horses fly grazing have not been identified in this way and therefore tracing owners is very difficult. Please provide your views on how you think this issue might be resolved.

10) There is currently no requirement for an equine microchip to be registered with a database such as PetLog. A requirement to register the microchip with such a database, in addition to the requirement to record the microchip number on the passport, could facilitate linking horse to owner. There are currently a large number of equine passport issuing authorities making it unfeasible to check with all of them. A central point of contact or central database which combines the records of all the individual passport issuing authorities could facilitate linking horse to owner.

**Question 16:** It is recognised that the seizure of stray animals provisions under the Local Acts (Cardiff, Mid Glamorgan, West Glamorgan) are not available to all local authority areas across Wales. Should the Welsh Government consider extending those fly grazing provisions to the whole of Wales?

11) Yes. Any provisions to address the issues of fly grazing / abandonment should be extended consistently across all of Wales, otherwise the problems are simply shifted to those local authorities with reduced provisions.

**Question 18:** Do you have any alternative information / ideas that may help the Welsh Government to find a long term solution to fly grazing / abandonment?

12) Euthanasia should be considered as an acceptable solution to the problems of fly grazing / abandonment. Horses which are abandoned or left to fly graze will often breed, adding to the problem. If they are auctioned they may be bought by people who either intend to fly graze them or have previously fly grazed them and have
found buying them back at auction is a more cost effective solution than claiming
ownership. We believe that euthanasia could be an acceptable solution for dealing
with any un-microchipped horse found straying. If the owner comes forward then
they should obliged to have the horse microchipped. We understand that
euthanasia as a solution is an emotive subject but the current approach of re-
homing unwanted horses has resulted in an untenable financial strain on horse
welfare charities. The current approach of waiting 14 days before the removal of an
abandoned horse in order to allow the owner to come forward is unnecessarily long
and could lead to welfare issues. Given that welfare codes recommend that horses
are checked every 24 hours, it is unlikely that an owner will come forward after 48
hours if they have not done so already, particularly as by that point it is likely that
they will have committed an offence under Section 9 of the Animal Welfare Act.