Tackling fly grazing to ease the horse crisis
Wales is taking action - England must too

Introduction
There is a horse crisis in Britain. All of the major horse welfare organisations are under immense pressure due to the increasing number of horses and ponies needing their help. In June 2013 charities released *Left on the verge*, which reported that over 7,000 horses were at risk of needing rescue or new homes. One of the major causes of the crisis is an increase in ‘fly grazing’, the placing of horses on land without permission, often in inappropriate places such as verges, playing fields or farmland. Conservative estimates are that 3,000 horses are being fly grazed in Wales, and 2,500 in England. This is causing horses to suffer and die, as well as risks to public safety and problems for land owners (including local authorities), the police and entire communities. Although generally fly grazing horses is illegal, present legislation makes it difficult for landowners to remove horses from their own land. Wales is now taking action to rectify this and Ministers have announced a new law to tackle fly grazing and improve inter-agency working. Unless we act in England, the horses will merely be moved over the border and so exacerbate what is already a growing problem in this country. Defra now needs to propose similar legislation for England.

What is the problem?
Significantly more horses are suffering. The number of horses that equine charities are caring for have risen by double digits over the past five years, as have complaints regarding poor welfare. This is the result of the economic downturn combined with too many horses being bred. The bottom has fallen out of the horse market; horses at every level have dropped in value, and at the very lowest end they are being sold at auction for as little as £5.

As a consequence some unscrupulous dealers, especially those with large numbers of horses, are trying to cut costs at the expense of horse welfare. Horses are fly grazed on public or private land, and basic care such as feeding and veterinary treatment is minimised, leading to a rise in the number of cases reported to animal welfare charities.

Space within rescue centres in Britain is limited and under severe pressure. The number of places available in equine charities has been steadily reducing over the past three years, and they are at or close to capacity. Local authorities are struggling with the numbers of horses left on their land, many of which are not legally identified and therefore cannot be linked to an owner.

One of the reasons why fly grazing has proliferated is because it is so easy to get away with. The benefits to perpetrators far outweigh any costs. For landowners, the problem is not resolved easily and several different pieces of legislation may apply requiring costly legal advice, and the process can be lengthy. One dealer recently convicted of animal cruelty is thought to have over 2,000 horses being fly grazed across the country, which are frequently moved between sites. All these could become the responsibility of local authorities or animal welfare groups at any time - but the present law makes taking pre-emptive action impossible. The inability to trace ownership is the fundamental reason why current laws do not work: fly grazers rarely comply with equine identification legislation so the vast majority of fly grazed horses are not microchipped. Even those that are microchipped often have not had the chip registered to an owner. In most circumstances, action can only be taken after a minimum of two weeks of trying to trace the owner and the only option open to local authorities once horses have been confiscated is to put them, microchipped and made legal, into auction. Far too often they will simply be bought back by the dealer (who gets a horse whose value has increased with the microchip) and the problem will be perpetuated. Separately, violence and intimidation of landowners, particularly farmers, can accompany fly grazing and there is little redress. This must change.
What is the solution?

A more effective solution to this problem is to 1) make small amendments to existing legislation such as the Animals Act 1971, or introduce new legislation, to allow local authorities to seize fly grazing horses swiftly and dispose of them as most appropriate and 2) enforce the equine identification legislation, including the requirement for microchips, even if only tactically in problem areas. Proposals and negotiations are well under way to improve equine identification. However, no laws on identification will solve the problem unless they are enforced and a central database exists to enable enforcement. With some 7,000 horses at risk, and Wales adopting a welcome zero-tolerance approach to fly grazing, action is needed now to address this issue in England. Welfare charities have already seen horses owned by a Welsh dealer move into England and this will only continue and at speed.

Just small changes in the Animals Act, or introducing a new law such as that proposed by the Welsh Government, would help address the issue. This would enable the local authority to:

- **REMOVE HORSES EASILY**: fly grazed horses could be removed immediately, and could be disposed of after seven days if the owner does not come forward.
- **REVERSE THE BURDEN OF PROOF ON OWNERSHIP**: an owner would have to prove ownership of horses they sought to claim, reducing costs and time currently spent by local authorities.
- **MAKE IT EASIER TO DISPOSE OF HORSES**: currently horses can only be sent to auction or sold at market; laws should allow authorities options such as rehoming them or in the worst case euthanising them.

In addition, the charities believe the following solutions would help address fly grazing:

- **IMPROVING ENFORCEMENT** using best practice on improving coordination between the enforcement agencies, particularly for multiple-horse cases involving dealers. This is starting to happen, particularly in Wales, where a summit between the enforcement bodies has looked at information sharing.
- **MORE ASSISTANCE TO HELP LOCAL AUTHORITIES** particularly on forward planning on fly grazing incidents. This should include training of animal welfare officers in horse handling and identification and providing green yards or similar spaces to keep horses pending investigation or claims by owners.
- **SHARING BEST PRACTICE** on liaison with Travelling communities to stem fly grazing and tethering. Welfare charities and local authorities have many good case studies to help educate Travelling communities on better horse care including discounted passport and microchipping and gelding clinics.

What are the costs?

There will undoubtedly be some costs involved in setting up green yards and disposing of horses, but these should be considered in the context of the significant costs – and risks – already borne by local authorities and the police to react to fly grazing incidents (one estimate is £500 per horse per day). Local authorities do not have the budgets or land to keep horses for long periods while cases are going through the courts; the new law cuts the disposal time significantly.

The potential costs of compensation should a horse cause a fatal accident after running into the road from local authority or private land can exceed £600k. Farmers too have suffered crop damage and loss of use from fields taken over by fly grazers, and have had to invest in legal advice to remove the horses. Fly grazing horses suffer from welfare problems, but because their owners are irresponsible they also make hardworking taxpayers suffer too.

Conclusion

Unless Defra acts once this law comes into effect in Wales in early 2014, the equine charities fear more horses will be moved to England. The estimated 3,000+ horses in Wales will become England’s problem and add to the 2,500+ already causing difficulties in England. The only solution is for a similar change to the law by Westminster.

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