



Department
for Environment
Food & Rural Affairs

Nobel House
17 Smith Square
London SW1P 3JR

Dr Peter Dean MBBS, BDS(Hons), DRCOG, LLM
Coroner's Office
3rd Floor
Landmark House
Egerton Road
Ipswich
Suffolk
IP1 5PF

18 June 2014

From [REDACTED]
Parliamentary Under Secretary of State for Natural Environment and Science



Thank you for your letter of 14 April to the Secretary of State about the death of Thomas Allen as a result of fly-grazed horses straying onto the highway. I am replying as the Minister responsible for the welfare of equines.

I am grateful to you for drawing attention to this very sad case and I offer my condolences to Ms Chenery. You suggest that the provision of a specific offence of fly-grazing would help prevent such incidents in the future. However, we already have laws in place to tackle the straying of animals onto a highway. In particular, the Highways Act 1980; section 155 of which provides offences relating to straying livestock on a highway and which may be relevant in this case. Under the 1980 Act, the horses can be removed if they are straying onto, or are by the side of, the highway and the associated costs recovered from the owner of the horses.

There is other legislation in relation to animals that have been placed on other people's land without the land owner's permission. In addition to the existing legislation in the Animals Act 1971 and the established use of Anti-social Behaviour Orders, there is new legislation in the form of the Anti-social Behaviour, Crime and Policing Act 2014 (the 2014 Act). The 2014 Act contains new streamlined measures to tackle anti-social behaviour, of which the fly-grazing of horses and ponies is a prime example.

I am aware that it is necessary for the authorities to identify the owners of fly-grazing horses in order to take action and I agree that progress can be made with improved joint working amongst the authorities, building up local intelligence and identifying the perpetrators. However, in the case you cite, there appeared to be no issue about identifying the owners of the horses, so the authorities could have taken action against the owner under the Animals

Act 1971 or by issuing an ASBO. In the future they will be able to use the new powers in the 2014 Act when those measures come into force later this year.

In summary, I have discussed the problem with a number of key stakeholders including animal welfare charities, local authority representatives and other horse industry organisations. At our request, stakeholders are looking at trying to encourage more joined up working, using the advice and guidance referred to above, in areas where this is a serious problem. We will then wish to see whether this has an effect.

I am keeping a close eye on the situation in Wales, now that the Welsh Government has introduced a law allowing local authorities to seize illegally grazed horses from private land. Having spoken to both Welsh and English local authorities, early indications suggest that the new law has not made much difference but it may be too soon to judge. I believe that the real long term solution to this issue is to target the perpetrators directly. I don't believe the solution is necessarily to make it easier for local authorities to remove fly-grazing horses which are not suffering and have them euthanased. My concern is that the costs of such actions are borne by the local authority and it provides little incentive for the perpetrators to change their behaviour. The cycle of abandoned horses is likely to continue, with local authorities having to bear the costs.

Ys Gwirid

