

**Surrey County Council
Policy for dealing with horses
fly-grazing on the public
highway**



Legal Background

There are several pieces of legislation which cover this area.

The Animals Act 1971 (section 7) as amended by the Control of Horses Act 2015

This Act allows the owner or occupier of land to detain horses which stray onto their land and to claim expenses for damage done by the animal to the land, and the costs of keeping the animals until such time as the horses are restored to the owner or disposed of. The landowner becomes responsible for the reasonable care of the horses while being detained.

Control of Horses Act 2015

This Act makes provision for the taking of action in relation to horses which are on land in England without lawful authority. The Act applies to horses which are unlawfully on land, whether they have strayed there or been placed there deliberately. This Act introduces a procedure regarding the detention and subsequent treatment of such animals.

The Highways Act 1980 (section 155)

This Act makes it an offence for horses to stray or lay on, or at the side of a highway. This does not apply to highways which cross common land, waste or unenclosed ground.

The police have powers to remove horses straying on the highway and either return them to the horse owner or to remove them to a place of safety.

Surrey Highways Fly-grazing Policy

We cannot provide an emergency response service to fly-grazing, and therefore any issue which presents an immediate risk should be referred to the RSPCA (or a local horse charity) or the Police.

How we deal with reports

Initial report

When we are made aware of a horse fly-grazing on the public highway, we will verify that the land is

Roles and Responsibilities

There are several different agencies who can become involved in reports of fly-grazing and horse welfare. The table below outline those involved and how they may be required to assist in resolving the issues reported.

Table 1: Roles and Responsibilities of the different agencies and organisations in the process of caring for fly-grazing horses

Role	Responsibility
Surrey County Council (Highways with Land and Property)	respond to all enquiries regarding horses fly grazing on the public highway bringing all parties together and involving experts where necessary seek advice and then decide on the most appropriate steps to take. where required, serving the appropriate notices and engaging a bailiff service
Police	respond to reports of horses causing a danger to highway users support the council, and horse bailiffs, where required, in removing horses from the highway especially if there is a perceived risk to safety and possible public disorder
Horse Charity	liaise with the Equine Bailiffs and/or Highways department as required to provide any support where possible assist in re-homing the horse(s)
RSPCA / World Horse Welfare Equine Bailiffs	investigate reports regarding horse welfare or cruelty, as reported to the organisation liaise with the Highways department and/or bailiffs as required assist with the removal of horses from the highway as instructed duties can include removal of horses to a safe place and looking after their health and welfare

Relevant links

[Control of Horses Act 2015](#)

[The British Horse Society \(Microchips and Horse passports\)](#)

[RSPCA](#)

[World Horse Welfare](#)

[Equine \(Horse\) Bailiffs](#)

[National Equine Welfare Council](#)

Appendix A Site notice under Animals Act 1971

(As amended by the Control of Horses Act 2015)

NOTICE UNDER SECTION 7C FOLLOWING DETENTION OF HORSE(S)

THIS NOTICE is placed under section 7C of the Animals Act 1971 (as amended by the Control of Horses Act 2015) by SURREY COUNTY COUNCIL in pursuance of its powers to **detain** horse(s) under section 7A of the Act.

Horse(s) described as:

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

At the following date and time: **[dd/m/yyyy]** at **am/pm**

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:

[Name and address here]
Email: highways@surreycc.gov.uk

If no information is forthcoming within 96 hours (equivalent of 4 working days) from the time of detention, steps may be taken to dispose of the horse (s) under section 7C (5) of the Act, which may include its destruction.

Date & time of placing notice:

Surrey Highways Fly-grazing Policy