

# Equine Welfare and the law



## Introduction

Redwings Horse Sanctuary is committed to sharing its experience, insight and horse care expertise.

This resource has been produced to accompany Redwings' talks, tours and activities, and to respond to enquiries about equine welfare in the UK. It aims to deepen understanding of our rescue and welfare work under the Animal Welfare Act, and to provide insight into the role of charities in using the law to improve equine welfare.

There are questions at the end to inspire lecturers and help students grapple with some of the key issues that welfare organisations like Redwings face.

# The Animal Welfare Act (2006) - a milestone for animals

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It is widely recognised that the UK has some of the best animal welfare legislation in the world.

The challenge is effective education and enforcement.

The main legislation used to support animal welfare in England and Wales is the Animal Welfare Act (AWA). The Act came into force in April 2007, and updated and simplified more than 20 existing laws. It was the result of years of campaigning, consultation and discussion involving animal welfare interest groups and was debated in parliament to allow wider public engagement.

The purpose of the law is to protect animals from neglect and cruelty by defining minimum standards of care, and providing a mechanism for intervention when those standards are not met.


As a democracy, UK laws are created through consultation and debate in order for the agreed legislation to reflect public consensus on the issue as far as possible. Many countries have animal welfare legislation, but different cultural attitudes and political processes create significant variation in what standards are defined and how they are enforced.

It is widely recognised that the UK has some of the best animal welfare legislation in the world. There is also scope within UK animal welfare laws

to create additional protection or guidance in specific areas through secondary legislation, which has already been used to create separate Codes of Practice for equines.

Separate but very similar legislation applies in other parts of the UK, namely the **Animal Health and Welfare (Scotland) Act 2006** and the **Welfare of Animals Act (Northern Ireland) 2011**. Both of these documents can be found at [www.legislation.gov.uk](http://www.legislation.gov.uk)

One of the achievements of the AWA is that it allows more animals to be helped by advising and encouraging the people who own or care for them. Before 2007, an animal had to be shown to be suffering before the law could be used to intervene. Today, the AWA helps us to address a situation of concern sooner and improve an animal's quality of life within their home. This means more horses benefit from better welfare without the need to rescue and care for more animals in already overstretched charities.



Wales 2013: Redwings' largest ever rescue brought 160 horses into our care, including foals and pregnant mares. The operation forced us to find temporary boarding places, and had a huge impact on charity functions and welfare work



# How is intervention achieved?

The Act includes a section under the heading 'Promotion of Welfare', which includes key developments that enable Field Officers to work effectively with owners to improve the level of care they provide.

This section is also known as the 'Duty of Care' and makes it clear that anyone who owns or cares for an animal has a responsibility to meet that animal's basic needs. The Act says animals need:

- a suitable environment
- to be able to exhibit normal behaviour patterns
- to be protected from pain, suffering, injury and disease
- a suitable diet
- to be housed with or apart from other animals as required

## Improvement Notices

Improvement notices support the 'Duty of Care'. Often advice is enough to help an owner make changes so they can meet their horse's needs. This is often the case when they have limited equine knowledge, or personal circumstances have affected the care they are able to provide. However, improvement notices create additional incentives by formalising what an owner needs to do to meet minimum welfare standards.

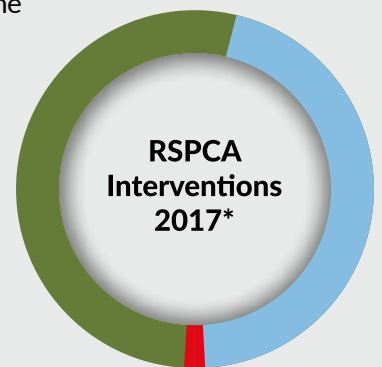
**A notice gives an owner clear information on what action is needed to improve their animal's welfare and a specific time frame to carry out that action.**

If the owner does not comply with an improvement notice then further legal action can be taken, and not acting on an improvement notice can strengthen a prosecution case.

Only police officers and local authority inspectors are able to issue statutory improvement notices. However, the RSPCA, as the most active animal welfare enforcement agency in England and Wales,

use their own improvement notices that are equally effective both as an educational tool and as evidence should a case be heard in court.

The RSPCA is the main prosecuting organisation to work with the AWA. But they use advisory approaches far more than prosecution to tackle welfare concerns. In 2017, for example, they used advice and improvement notices in 99% of situations where intervention was needed, compared to less than 1% of cases being passed to their prosecutions team (the case studies at the back of this booklet will help show why and how different approaches are so important).



54% Advice/improvement notice  
45% No further action  
1% Prosecution

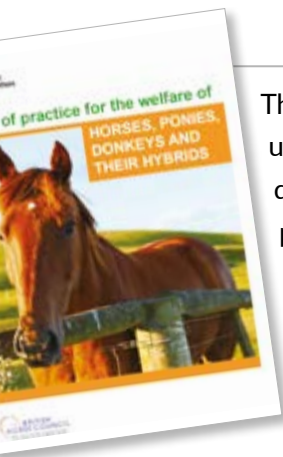
\*RSPCA Prosecutions annual report 2017



*Emaciated pony known as 'Baby' rescued 2016*

## When can a horse be rescued?

Prevention and education are the bread and butter of a Field Officer's daily work, but in more serious cases, or where advice has not been acted on, a horse may need to be removed and taken into care. As well as helping to prevent suffering, the AWA enables the rescue of animals when needed.



These needs reflect the fact that animals can suffer **both physically and mentally**. To help owners understand how to meet their animals' needs, there is government guidance relating to specific domesticated species (dogs, cats, equines, non-human primates and farm animals in England), published as individual Codes of Practice and available for free on the DEFRA website. Scottish and Welsh Codes of Practice are also available online (see links on the back cover).

**Although failing to meet the needs of an animal is an offence under the AWA, breaches of this section of the Act can often be successfully resolved using advice and/or improvement notices.**



Despite the high profile of prosecutions and the vital role of rescues, most welfare work involves finding sustainable solutions for equines within the home

## Unnecessary suffering

This is the most serious offence under the AWA and the one most likely to lead to prosecution. A vet who diagnoses unnecessary suffering might be required to give evidence in court at a later date.

'Suffering' can be caused by something a person does, such as working a lame horse; or something a person does not do, such as failing to control parasites. It is primarily a veterinary opinion that determines whether or not an animal is suffering unnecessarily. For a legal offence to have been committed it needs to be clear that the owner should have known that their action, or lack of action, could cause suffering, and for the suffering to have been avoidable.



## Taking animals into care

**The AWA allows an animal to be taken into care if a vet certifies that they are suffering or are likely to suffer if their circumstances do not change.**

Taking someone's animals from them against their wishes is a serious legal step. Only an appointed local or national authority inspector (such as a Trading Standards Officer) or the police have powers to remove animals. It is important to note that neither the RSPCA or Redwings can take animals into care without working alongside the local authority or the police.

Removing an animal will usually be followed by prosecution so that the case can be judged in court. Rescued horses are commonly cared for by a charity or specialist yard until the case is concluded. Unless the owner has voluntarily signed over their animals, only a court can transfer ownership of the rescued horses from the defendant to another individual or organisation as part of the sentencing process.

Other factors need to be considered when deciding the best course of action in an individual welfare case. Prosecution is very time-consuming and expensive. For example, the Amersham case (see page 13) cost the RSPCA over £2 million. In addition, the rescue and immediate horse care costs for Redwings came to over £350,000.


Court cases rely on proof of responsibility, objective evidence, and strict adherence to legal procedures.

The 'burden of proof' lies with the prosecutions team, who need to provide clear evidence of guilt, rather than defendants proving their innocence.

As well as ensuring that a case is solid and likely to be successful, legal teams will also examine whether legal action is in the public interest. This involves looking at wider, often personal circumstances affecting a case and what would be achieved by a successful prosecution as opposed to other ways of helping the animal(s) involved.

In animal welfare cases the prosecutions team is usually looking for a disqualification (ban) from keeping animals as part of sentencing to prevent the defendant from committing further offences against animals in the future. A ban can apply to all animals, or to particular species.

A further practical consideration when taking a prosecution forward is the potential need to find suitable homes for all the animals involved. Charities try extremely hard not to turn away an animal from a situation of poor welfare, but space and resources are always stretched. When large groups of horses require rescue, charities often have to work together. Horses may require intensive care and rehabilitation as well as a safe, permanent home. As the largest horse sanctuary in the UK, Redwings is committed to providing long-term care to its rescued horses, regardless of their rehoming potential.

A photograph showing a woman in a green jacket sitting on a purple bucket in a stable. She is looking towards the camera. In the foreground, a horse is lying down, covered with a green quilted blanket. The stable has wooden walls and a wooden box in the background.

*Bungle, 2008. Rescued horses may require weeks of intensive care as well as a home for life*



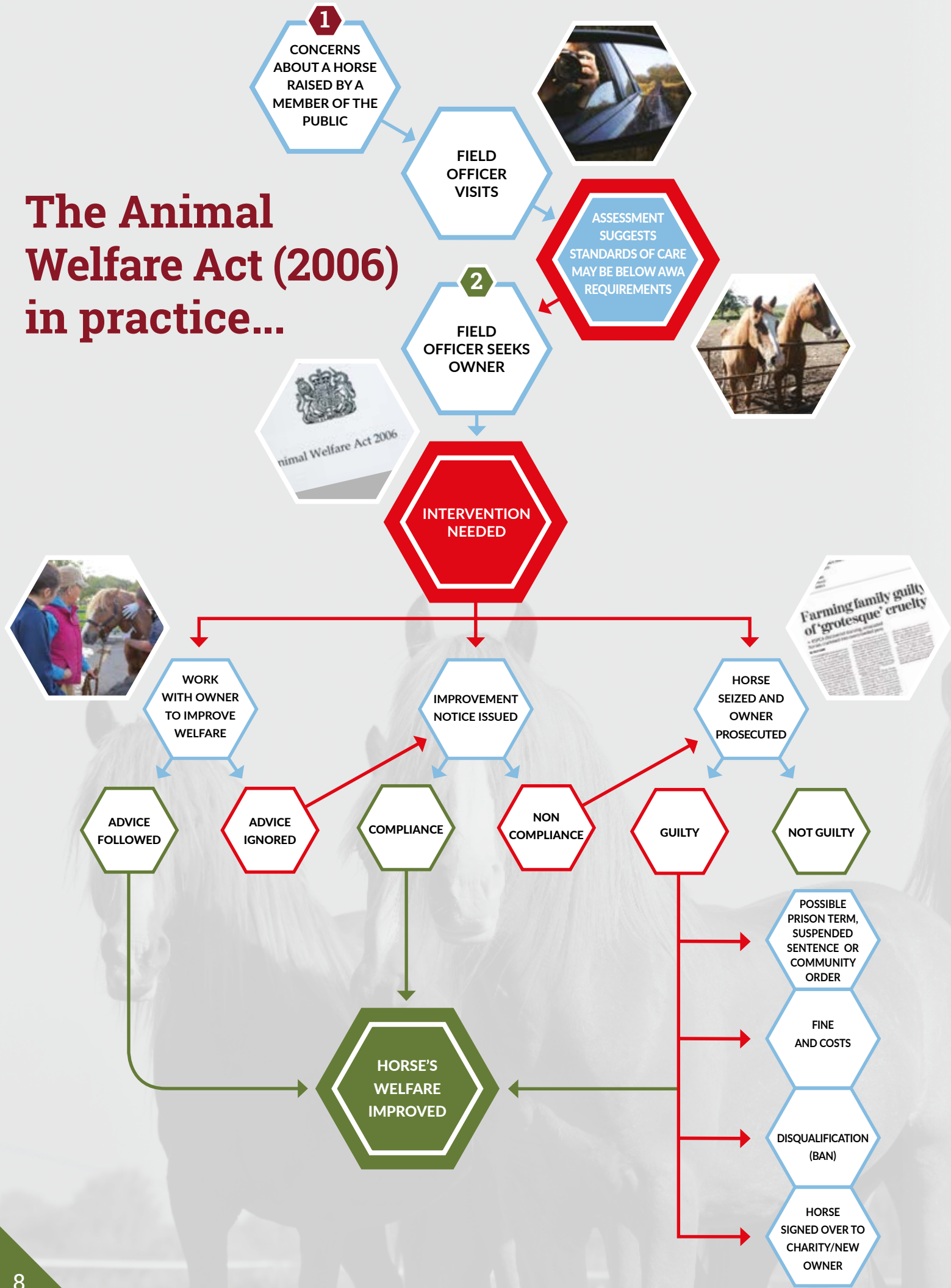
# Who's involved

Enforcement of the AWA involves a range of resources and expertise. The following table details the complementary roles different professionals can play to ensure the best outcome in each situation.

Activity	Redwings Field Officer	RSPCA Inspector	Local Authority Inspector	Police Officer	Vet	Other Equine Professional eg: Farrier
Visit potential welfare issues	●	●	●		●	●
Perform an assessment of welfare needs (based on legislation and supporting industry guidelines)	●	●	●		●	●
Provide direct horse care advice	●	●	●		●	●
Refer horse owners to professional advice (such as a vet or farrier)	●	●	●		●	●
Gather evidence from witnesses		●	●	●		
Direct intervention (skills or resources) that will improve the welfare of the horse	●	●	●		●	●
Have up-to-date knowledge of enforceable legal powers that can be used to improve the situation for the horse	●	●	●	●	●	●
Issue an improvement notice		●	●	●		
Examine the horse and write up clinical examination as a legal document					●	●
Certification that the horse is suffering or likely to suffer in relation to section 18 of the AWA					●	
Take a horse into possession using section 18 of the AWA			●	●		
Provide continued veterinary treatment and keep clinical records					●	
Proceed with legal prosecution of an owner/carer		●	●	●		
Attend court as a witness of fact	●	●	●	●	●	●
Attend court as an expert witness					●	●



# The Animal Welfare Act (2006) in practice...







## 1. Raising a concern

Like other equine charities, Redwings has a team dedicated to responding to welfare concerns. Staff who answer these calls are trained in the law and know what information a Field Officer will need to help them make an assessment. They can also help people understand when the law may not allow action to be taken, and reassure people who may not have a high level of equine knowledge that something they think may be an issue, such as a native pony without a rug in winter, is not in itself a welfare problem.

**You can ring Redwings' welfare team on 01508 481008 to talk through any concerns you have about a horse or email [welfare@redwings.co.uk](mailto:welfare@redwings.co.uk). By law, all calls are completely confidential. Equine professionals can also use these advice lines or visit the website for guidance and advice.**



## 2. Speaking to an owner

One of the key skills of a Field Officer is not to make assumptions. If a Field Officer is concerned about the welfare of a horse, for any reason, the first task is to try and track down the person who owns or cares for the horse, to get more information.

A thin horse, for example, may have lost weight during an illness or after an operation, or the owner may only just have taken the horse on. Whatever the circumstances, if the owner is working with a vet to help the horse recover a healthy body condition, additional advice may be welcomed, but no legal action is required.

**If no owner can be found, or the owner is not taking the action needed to improve the horse's welfare, then intervention is needed.**

## Other legislation...

The AWA is at the heart of animal welfare legislation, but it cannot cover all equine-related issues. Laws are regularly reviewed and updated to ensure their relevance and effectiveness, but sometimes additional legislation is required to deal with a particular issue.

Field officers need to be aware of ALL laws relating to horses and be able to use the right legislation and procedures in different cases. There are specific laws relating to ragwort, equine transportation, passports and microchipping, euthanasia, farriery, veterinary medicines and markets.

The most recent equine welfare legislation to come into force is the Control of Horses Act, which has successfully reduced the incidences of the practice of fly-grazing – the illegal practice of grazing horses on someone else's land without their permission. The Control of Horses (Wales) Act was introduced in 2014 and similar powers came into force in England the following year. For more information on fly-grazing and the application of the Control of Horses Acts, go to [www.redwings.org.uk/news-and-views/fly-grazing-advice](http://www.redwings.org.uk/news-and-views/fly-grazing-advice).

# Redwings' role in welfare and rescue work

## Field Officers

Members of the public can call Redwings' Welfare Helpline if they are concerned about an equine. Redwings has Field Officers that can investigate these reports. The table on page seven



shows when a Field Officer can work to address welfare issues themselves, and when they will involve another organisation.

Many RSPCA and local authority inspectors have to work with all animals and do not always have a high level of equine knowledge. They often turn to Redwings for advice and support to deal with horse or donkey-related welfare concerns.

## Veterinary opinion

The AWA requires certification of suffering or likelihood of suffering from a veterinary surgeon before an animal can be taken into care without the owner's permission. Redwings employs four welfare vets that are regularly called upon by the RSPCA and local authorities to provide this crucial information, often then giving evidence to support legal proceedings.



## Boarding welfare cases

Horses are large animals that require suitable facilities and knowledgeable carers. Redwings has the facilities to board welfare cases until legal



proceedings are resolved, though sanctuary capacity means that making space for new arrivals is not

always straightforward. Charities often work together to find space between them to make the rescue of a large group of horses possible.

Redwings must record all the care that a rescued equine receives while they are boarded, which can be used as evidence in court. By demonstrating how well a rescued horse responds to good management practices, the gaps in care provided by the owner are made clear. If a prosecution is successful, the equine is usually signed over into our permanent ownership.

## Rescue team and transportation

Redwings has many years' experience of rescuing and transporting horses, especially those that are very nervous or completely unhandled.

Our team has rescued horses from across the UK including semi-feral ponies from the commons of Wales, Devon and Cornwall. We have our own horse boxes and trailers, and skilled drivers who ensure all journeys are safe and comfortable.





# Challenges for welfare organisations

The AWA provides a clear framework that remains robust and effective in a constantly changing world. However, there are still many challenges faced by those who work to improve animal welfare each day.

➤ There have been few prosecutions to date relating to certain welfare issues that are commonly seen by welfare professionals. A study in 2016 into welfare issues in the UK highlighted unresolved stress and pain (including when in work), delayed euthanasia, inappropriate stabling/turnout and poor nutrition (Horseman, 2016). The scarcity of legal action on issues like these is not a weakness in the law, but reflects the fact that they are part of widespread and often normalised practices in the way we choose to keep and interact with horses.

These issues are often the subject of awareness-raising campaigns that encourage alternative approaches based on better understanding of horse welfare.

➤ It can be hard to appreciate the complexity of many welfare investigations, and this can affect confidence in raising concerns. People may perceive that no action is being taken when they have reported an issue.

By increasing understanding of the legal framework, as well as practical and social considerations that affect welfare work, we hope the public can have faith in the commitment that charities have in striving to find effective and sustainable solutions to situations they face.

➤ Situations of poor welfare can involve large groups of horses. These may result from overbreeding, hoarding or sanctuaries that are unable to meet their residents' needs. These situations often present a significant challenge in terms of horse handling issues, in addition to transportation, housing, rehabilitation and ongoing care needs of the animals involved.

➤ Animal welfare professionals have to take personal circumstances into account when deciding the best way to address a welfare concern. Physical illness, mental health issues, bereavement, financial problems and

unemployment are all often part of a bigger picture that has affected an animal's welfare. Increases in any of these issues in wider society are likely to affect the number and complexity of welfare cases dealt with by Field Officers.

➤ Charities are very sensitive to economic factors. When the UK went into recession in 2008 it had a serious impact on charitable giving as many people had to reduce their outgoings.

After the financial crash in 2008, there was an escalation in welfare cases - particularly those related to fly-grazing and abandonment. This increased pressure on charity resources and led to a group of charities, including Redwings, to publish the 'On the Verge' horse crisis report in 2012. The report highlighted the inability of charities to cope with the 6,000 horses known to be 'at risk' in the UK. More than a decade later, despite good progress, the crisis is far from over.

➤ Sanctuary capacity is constantly changing. Redwings' ability to make space for new horses has been particularly challenging since our largest ever rescue, which brought more than 160 new residents into the sanctuary in 2013. This has had a huge long-term impact on our land, staff and resources.

➤ The charitable sector in the UK has come under increasing scrutiny in recent years. Charities are held to greater account than ever before and one negative story can cause serious damage to supporter trust and levels of donated income.

# Working in partnership

The range of resources often needed to rescue a group of horses means that welfare organisations need to work together to create a team with all the necessary skills, equipment, transport, boarding facilities and long-term care options. This requires planning, communication and co-operation. Education can be more easily taken on by individual Field Officers or a smaller collaborative team.



Wider campaign and education initiatives can improve horses' quality of life and influence trends in equine management and training. For horse owners who are not easily reached through traditional education routes, more research and creativity can help to establish effective working relationships.



## The National Equine Welfare Council

NEWC is the umbrella organisation for equine welfare bodies in the UK and plays a number of key roles in the sector. NEWC produces the Equine Welfare Compendium and ensures high welfare standards in members who care for horses themselves.

The Council also supports collaboration between member organisations on education projects. These include LINK days (which offer passporting, microchipping and health checks to horses whose owners who are not often reached through other engagement routes), advice such as the NEWC Grazing Muzzle Guidance, and joint attendance at key events around the country.



*Redwings' castration clinic, Norfolk 2014*

Redwings is proud to be one of a number of charities supporting the BHS Healthcare and Education clinics, which make castration more available to vulnerable horses.



## Case Studies

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### Amersham (Jan 2008)

#### *Full force of available legislation*

An RSPCA Inspector found 114 living and 30 dead equines in appalling conditions at Spindle Farm, near Amersham, in January 2008. She immediately sought veterinary support, resulting in three horses being put to sleep on site and, with the help of the police, 14 more being moved to local charity The Horse Trust for emergency treatment.

**The RSPCA asked Redwings' vet and Head of Welfare, Nic de Brauwere, to assess the remaining 97 equines. The AWA had only been in place for a few months, but it meant Nic could use the new power to remove animals that were 'likely to suffer', to authorise all the equines being taken into care.**

Under previous legislation more than half the equines would almost certainly have had to be left behind because they were not classed as 'suffering unnecessarily' at the time.

The 97 horses, ponies and donkeys were rescued in a one-day operation involving 32 Redwings

staff working alongside staff from other charities. Redwings took 21 ponies and donkeys into its immediate care, including six pregnant mares.

We also offered permanent homes to a further 39 horses with special care needs a few months later.

The owner and four members of his family were prosecuted and found guilty of multiple offences under the Animal Welfare Act. Two Redwings vets gave evidence in court. After an unsuccessful appeal, the owner was sentenced to six months in prison, ordered to pay £400,000 in costs (less than a third of what the case cost the RSPCA) and banned for life from keeping any equine. His family members were banned from keeping equines for 10 years and given community service or supervision orders.

Amersham was a big test for the new AWA; many elements of the case were likely to influence how the law was interpreted in the courts in the future. This is called 'case law', and thankfully Amersham set a positive precedent for use of the Act.

## Amersham was a big test for the new Animal Welfare Act





### **Rainbow Meadows (Nov 2015)** *Improvement notice (non-compliance)*

Redwings offered Norfolk animal sanctuary 'Rainbow Meadows' advice and support for more than two years, including offering a home to two underweight Thoroughbreds in 2013. Our Field Officer worked with the RSPCA, World Horse Welfare and Norfolk's Local Authority Inspector to try and improve knowledge and standards of care at the site. Serious issues were found again in November 2015, despite all previous efforts at support, and an improvement notice was issued.

When the follow-up visit was made, it was clear that the requirements of the improvement notice had not been met and the condition of the horses

had actually worsened. A Redwings vet assessed the equines and found that most had deteriorated to a state of unnecessary suffering. All 20 horses at the 'sanctuary' were subsequently rescued, with 12 being brought into Redwings' care and eight going to World Horse Welfare.

Norfolk Trading Standards prosecuted the father and son who ran Rainbow Meadows. They were found guilty of nine charges under the Animal Welfare Act. The father was banned for life from keeping any equine, received a 12-month suspended sentence and was ordered to pay costs. His son was banned from keeping equines for 10 years and also had costs to pay.

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### **Crystal and Pie (2016)** *Personal circumstances*

Redwings received a call about two ponies with overgrown hooves in a home in Norfolk. Our Field Officer visited and found the pair with such neglected feet that their ability to walk was affected. One pony was also extremely overweight, putting him at risk of other health problems.

Our Field Officer immediately made efforts to find an owner to discuss the situation. The elderly couple who owned Crystal and Pie admitted they had been struggling to care for the ponies due to serious physical and psychological health problems following a family tragedy.

Due to the sad personal circumstances of the owners, and the fact that they were happy to give up their ponies so the pair could receive the care they urgently needed, Redwings offered Crystal and Pie a home and no legal action was taken.



*Crystal and Pie*



## Kidderminster (Nov 2017) Control of Horses Act

Redwings lead the multi-agency rescue of 19 Shire horses from a property in the West Midlands after our welfare team had a call from the landowner. The group had initially been legally grazed on his property, then the owner of the horses had stopped paying rent. Notices to remove the horses were ignored, meaning the horses were then classed as fly-grazing and this situation continued for several years.

Our team were able to advise the landowner of the steps he needed to take under the Control of Horses Act, including leaving clear notices asking for information and giving notice of legal action to transfer ownership. When no one came forward to claim the Shires, the Control of Horses Act allowed the landowner to take on legal responsibility for the group. Unfortunately the landowner's health meant he was unable to care for one heavy horse, let alone 19.

Although charities cannot offer a home to all horses that are assisted by the Control of Horses Act,



Redwings discussed rehoming options with the owner and with other charities, as well as visiting to assess the needs of the group, where existing and developing welfare concerns were evident. In view of the special handling and care needed by such large animals, homes were offered by Redwings, Bransby Horses, World Horse Welfare, the Blue Cross, Horseworld and the RSPCA. The successful rescue operation, complex because of the unhandled nature of the horses, took fifteen hours and all 19 Shires were successfully transported to a secure future in their new homes.

## Get your thinking caps on!

### Why

do you think the RSPCA asked Redwings' vet to assess the situation at Spindle Farm?

### Do you

think there should be a system of regulation for sanctuaries?

### Who

do you think decides whether a prosecution should be taken forward in a particular situation?

### What

advice would you give to someone who is thinking of buying an underweight horse from a dealer because they want to rescue it?

### Do the

organisations involved in equine welfare get the balance right between advice and prosecution? What are the pros and cons of each approach?

Useful websites

[www.redwings.org.uk](http://www.redwings.org.uk)

[www.defra.org.uk](http://www.defra.org.uk)

[www.newc.co.uk](http://www.newc.co.uk)

[www.judiciary.gov.uk](http://www.judiciary.gov.uk)

[www.wales.gov.uk](http://www.wales.gov.uk)

<https://beta.gov.scot>

[www.legislation.gov.uk](http://www.legislation.gov.uk)

[www.gov.uk/government/publications/code-of-practice-for-the-welfare-of-horses-ponies-donkeys-and-their-hybrids](http://www.gov.uk/government/publications/code-of-practice-for-the-welfare-of-horses-ponies-donkeys-and-their-hybrids)

<https://beta.gov.wales/equine-welfare-code-practice>

<https://beta.gov.scot/publications/code-practice-welfare-equidae/>

Social media



[www.facebook.com/RedwingsHorseSanctuary](http://www.facebook.com/RedwingsHorseSanctuary)

[twitter.com/RedwingsHS](https://twitter.com/RedwingsHS)

[www.youtube.com/user/RedwingsHS](http://www.youtube.com/user/RedwingsHS)

[www.instagram.com/redwingsuk/](http://www.instagram.com/redwingsuk/)

[#LoveHorsesLoveRedwings](https://twitter.com/RedwingsHS)

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Sign up to receive new horse owner advice and guidance at

[www.redwings.org.uk/strangles/help-and-advice](http://www.redwings.org.uk/strangles/help-and-advice)



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The Charity's purpose is to provide and promote the welfare, care and protection of horses, ponies, donkeys and mules.