

# Equine Welfare and the Law



*The aim of equine welfare organisations is to encourage and assist owners in providing adequately for their horse, pony or donkey.*



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

# Redwings Welfare



*This mare is clearly underweight, but she is not emaciated. It would be difficult for a vet to argue that her lack of condition and overgrown forefeet are actually causing her suffering at this stage. In such cases, only advice and encouragement can be offered and the situation monitored.*

All equine welfare organisations have to work within the boundaries of the law. The laws which protect equines and other domesticated animals can be confusing and sometimes even contradictory. Members of the public often become understandably frustrated when action is not taken to rescue animals or prosecute owners as they may wish. It is hoped that the following information will enable a clearer understanding of current legal limitations and why welfare professionals are often themselves frustrated and cannot simply rescue every horse, pony and donkey that is not kept in ideal conditions.

The aim of equine welfare organisations is

to encourage and assist owners in providing adequately for their horse, pony or donkey. The time, effort and money involved in caring for animals need to be met by the people who have responsibility for them. Only as a last resort will welfare professionals step in to remove an animal from its owners and take on the responsibility for it.

In the majority of cases, where an organisation like Redwings assesses a situation and is concerned that an equine is not being adequately cared for, our first priority is to contact the owner and discuss those concerns. By offering advice, support and encouragement it is hoped that the

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situation can then be resolved. In cases where the situation continues to be of concern, the charity may offer to take responsibility for the equine if the owner is willing to sign the animal over to their care. Only if the owner refuses this option will removal of the equine be considered.

To remove an animal without an owner's consent, the organisation arranging the removal must be confident that the owner has breached animal welfare law. Only a court of law can pass judgement on the owner and determine whether the law has actually been broken. This means that the removal of any animal must be followed by prosecution to allow the case to be heard and a judgement made.

To help determine whether or not the law has been broken, a veterinary surgeon must fully examine the equine concerned and conclude that the animal is experiencing a state of 'unnecessary suffering'. This phrase is central to the Protection of Animals Act, which was made law in 1911 and which still forms the basis of the majority of all welfare legislation today.

'Unnecessary suffering' is hard to put into black and white terms. In order to bring a successful prosecution, three things must be proved beyond reasonable doubt which then constitute 'unnecessary suffering'. Those three things are as follows:

- 1 That the animal was suffering.
- 2 That the suffering could be clearly detected.
- 3 That the suffering could have been avoided.

Suffering cannot be determined by the environment in which the animal is kept, by the attitude of the owner or by assumptions of what an animal 'must' be experiencing in a certain situation. The veterinary diagnosis has to be based on symptoms shown by the animal which have then to be directly linked to the actions or neglect of the person being prosecuted. On determining that an animal is in a suffering state, unless



*In this emaciated pony the body is having to break down muscle tissue to generate enough energy to stay alive. This would be generally regarded as chronic suffering as it affects the animal's ability to move around, stay warm and maintain the function of vital organs like the liver and heart.*

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immediate action is needed to prevent death or long term damage, welfare professionals involved will usually discuss the situation with the owner in order to make sure that they are fully aware of the animal's needs and their legal responsibility. In some cases, advice can be given and a time frame will be agreed at the end of which the welfare agency will visit again to ensure that the appropriate actions have been taken to improve the health and wellbeing of the animal concerned. It will have been explained to the owner that if action has not been taken, they will then be liable for prosecution under the Protection of Animals Act and this is often enough to persuade an owner to make positive improvements in their care of an animal.

Under the current legislation, therefore, the welfare industry has to evaluate the condition of the animal, not the perceived neglect of an owner. One animal may be neglected and receive very little food but no intervention is possible if it maintains an acceptable bodyweight. Another animal may be in very poor condition but on investigation it is found to be under veterinary treatment and receiving all the care necessary, meaning the suffering is not 'unnecessary' because the owner is doing everything they can to remedy the situation. It is not uncommon for equines to be fed or watered by members of the public to compensate for apparent neglect

on the part of the owner. Unfortunately, this means that should a welfare officer investigate, because the animals are fed and watered and therefore not suffering, no action can be taken. Who provides for their needs is not currently an issue in the eyes of the law.

### **The Animal Welfare Bill**

No-one is more frustrated with the restrictions of the current laws than the welfare organisations themselves. The governmental department for the environment, farming and rural affairs (DEFRA) is currently drafting a new Animal Welfare Bill which will improve and update welfare laws and it is working with welfare groups to make sure that the new legislation is as effective and workable as possible. New bills take a long time to write and be approved as statutory law and even if everything goes ahead as planned, the Animal Welfare Bill in its final form is not likely to replace the Protection of Animals Act and other welfare related legislation until around 2006.

It is hoped that the new Bill will give welfare agencies the power to step in and take action if an animal is kept in such a way that it is likely to experience suffering, rather than having to wait until the suffering becomes evident. For example, the owner of a horse badly tethered near a main road could be guilty of keeping an animal in a manner likely to cause unnecessary which

# Redwings Welfare Contacts

suffering, whereas at present the offence would only be committed once the animal had become loose and been caused suffering by being injured in an accident. The law will also outline a 'duty of care' which would expect every owner or carer to take basic responsibilities for an animal and allow stronger sentences for those found guilty of an offence under the new laws.



*This situation is clearly an accident waiting to happen. Unfortunately, as the pony is in reasonable physical condition, no law has been broken and organisations like Redwings are powerless to act. Proposed changes to legislation would enable welfare professionals to step in much earlier, rather than having to wait until the pony is found in the river.*

Please look out for updates in Redwings' newsletters and on our website as the Animal Welfare Bill progresses. If you would like more information, the following organisations are also well worth contacting.

## **DEFRA**

Department for Environment  
Food and Rural Affairs  
Nobel House  
17 Smith Square  
London SW1P 3JR  
08459 335577  
[www.defra.gov.uk](http://www.defra.gov.uk)

## **RSPCA**

Wilberforce Way  
Southwater  
Horsham  
West Sussex RH13 9RS  
0870 5555999  
[www.rspca.org.uk](http://www.rspca.org.uk)

## **National Equine Welfare Council**

Stanton  
10 Wales Street  
Kings Sutton  
Banbury  
Oxon OX17 3RR  
[www.newc.co.uk](http://www.newc.co.uk)

## **Redwings Horse Sanctuary**

Hapton  
Norwich  
NR15 1SP  
Horse Care and Welfare 01508 481008  
General Enquiries 01508 481000  
[www.redwings.co.uk](http://www.redwings.co.uk)

# Redwings Welfare Information

Redwings' Welfare Team is proactive in the promotion of equine care and welfare, believing that access to accurate and up-to-date information is vital if owners and carers are to meet the needs of their animal.

Redwings' welfare leaflets are designed to provide an overview of many important issues which are encountered regularly in welfare cases with which the Sanctuary is involved. The series includes information on the following topics:

- Laminitis
- Hoof Care and Farriery
- Worms and De-worming
- Food, Digestion and Energy
- Veteran Horses and Retirement
- Horse Psychology
- Donkeys
- Equine Welfare and the Law

To request copies of leaflets or to speak to one of the team about any equine welfare issues, please feel free to contact the department by post, phone or email.

## The Welfare Team

Redwings Horse Sanctuary  
Hapton  
Norwich  
NR15 1SP

Tel: 01508 481008 (8.30am - 5pm, Monday to Friday)

Email: [info@redwings.co.uk](mailto:info@redwings.co.uk)



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General Enquiries 01508 481000  
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