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Y Dirprwy Weinidog Ffermio a Bwyd  
Deputy Minister for Farming and Food



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref

Alun Ffred Jones AM  
Chair of the Environment and Sustainability Committee  
National Assembly for Wales

15 September 2015

*Dear Alun Ffred,*

### **Control of Horses (Wales) Act 2014**

Thank you for your letter of 8 July to the Minister for Natural Resources about the post-legislative scrutiny session in respect of the Control of Horses (Wales) Act 2014 (the Act). This matter falls within my area of responsibility so I have provided a response to the questions you raised.

### **Scrutiny of the Bill**

As a result of the increase in fly grazing incidents across South Wales in 2012/13 and the resulting severe welfare problems, the then Minister for Natural Resources and Food set about finding a solution before the winter of 2013/14 when the welfare issues were expected to be the most severe.

Local authorities and equine welfare organisations had been lobbying the Welsh Government for action and local authorities in particular felt that legislation was needed in order to provide them with the necessary tools to address the problem more quickly and more cost effectively. Horse welfare and animal charities such as Redwings and the RSPCA also supported this approach believing that such measures were necessary to alleviate problem and create an environment in which behavioural changes amongst breeders might occur. The response and in particular the speed with which the Welsh Government reacted to something that was seen by the industry as 'at crisis point' was commended at the time by stakeholders.

I am aware that the then Minister had discussions with opposition party spokespersons, the Environment and Sustainability Committee, the Constitutional and Legislative Affairs Committee and the Finance Committee. Detailed discussions also took place with stakeholders including the Cross Party Group on the Horse, the Cross Party Group for Gypsies and Travellers, the All Wales Equine Task Force, local authorities across Wales,

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the WLGA and representatives from various equine charities to ensure that the Act was appropriate to address the issues identified.

## Engagement and Communication plan

The Action Plan developed to sit alongside the Control of Horses Act sets out how the Welsh Government works with stakeholders and partners to ensure that the most appropriate solutions are found for the multitude of situations that arise. This has been achieved through effective engagement between officials, local authorities and equine welfare charities which has been ongoing since the implementation of the Act.

Although a communications plan has not been published, the Welsh Government has undertaken considerable communication with organisations and members of the public to ensure that they are aware of the Act and make full use of it. This has included production of guidance which was distributed to Local Authority Animal Health Officers; equine charities; the gypsy and travelling community support officers and police forces in Wales. The guidance was also published on the Welsh Government website. Articles were published in the Welsh Government Gwlad magazine and a dedicated helpline was set up to assist members of the public that had concerns regarding horses that were potentially fly grazing.

Many of the actions within the communications plan relate to identification, education and improving compliance which are associated with planned changes to the Identification Regulations by the European Commission. Engagement and communications about the Act will continue, but it is considered more appropriate and best use of resources to publish the communication plan in tandem with the introduction of the new equine identification regulations in 2016.

## Costs to Third Parties

The committee requested data on costs incurred by third party organisations which is not routinely held by Welsh Government. Officials requested this information from equine welfare charities, the police and fire and rescue service and their responses are provided in the table enclosed below.

Name of Organisation	Costs incurred 01/4/2014- 31/03/2015
World Horse Welfare	£89,756
Blue cross	£164,813
Society for the Welfare of Horses and Ponies	£91,864
British Horse Society	NIL
RSPCA*	No costs available
Police forces of Wales	No costs available
Fire and rescue services	No costs available
<b>Total</b>	<b>£346,433</b>

It is difficult to confirm that scale of these changes as many of the organisations do not differentiate between cases e.g. fly grazing and welfare rescue, many take horses from other organisations following a rescue so do not know whether it was taken into care as a result of fly grazing or some other issue. Similarly, many of the organisations are based outside Wales and when receiving horses are not always aware of the location of seizure. The British Horse Society confirmed that they had not incurred any costs in response to fly

grazing incidents and the RSPCA is unable to provide any information due to the disproportionate nature of obtaining the requested data.

The Police and Fire and Rescue Services were able to provide details of animal related incidents but were unable to provide costs for instances where they have assisted local authorities to implement the Act. The Association of Chief Police Officers Cymru commented that the impact of this piece of legislation since it was passed has been a positive one for the Police and that they will continue to work with local authorities where there is an identified need for assistance.

### **Local Authority Resources**

The Act was designed to reduce the financial burden on local authorities, particularly those areas most badly affected by the problems of fly grazing, and to free up budget resources for appropriate application elsewhere. For example the reduction of the period before disposal to a minimum of 7 clear days from the previous minimum 21 clear days (as contained in both the original local Acts and the Animals Act 1971) will have helped to significantly reduce the financial burden from the stabling of seized horses.

It is recognised that some enforcement authorities are pressured to deal with fly grazing equines that are semi-feral in nature which intensifies their resource pressures due to the difficulties of accessing these locations. Equine Welfare charities, particularly the larger ones, have the necessary expertise and equipment to deal with these situations and where they can are providing assistance to local authorities to successfully resolve local issues.

The Welsh Government has in the past provided funding to support major operations and any future funding requests from local authorities would be carefully considered on a case by case basis. Welsh Government ran a series of highly successful equine handling courses for local authority colleagues under the historic Companion Animal Welfare Enhancement Scheme to help with the practical aspects of this work.

### **Central Horse Database**

The European Commission issued a 5 point action plan in 2013 in response to the revelations surrounding horse meat contamination within the human food chain. The plan included actions to tighten the requirements on equine identification and place a mandatory requirement on all Member States to record horse passports in a central national equine database.

The National Equine database was abolished by the UK Government in September 2012 without consultation with the Welsh Government. The loss of the database in the UK has resulted in difficulties for local authorities in their endeavours to check the identification and ownership of equines.

The new central national equine database is expected to contain records of all horses in the UK which have been properly identified, including whether or not the horse has been signed out of the food chain. Local authorities and the Food Standards Agency will have access to the database to help them carry out their enforcement checks effectively.

Like the previous national equine database the new database will be a repository of statutory identification information. The key differences are: it will contain records of all horses including those imported into the UK; record whether or not a horse is eligible for human consumption. Importantly it will now provide access to information to enforcement bodies and enable an increase in the exchange of information between Member States.

Officials are currently working with Defra and the other UK administrations on the implementation details and in particular the options and user requirements for a UK database. A consultation on the new regulations to include the requirements of the database is planned for later this year which will include engagement with Welsh local authorities.

### **Micro-chipping of horses – derogations**

The derogations for defined populations of semi feral ponies were introduced under the Equine Identification (Wales) Regulations 2009. These regulations introduced micro-chipping and allowed any ponies born on specific derogated areas to remain there without a passport and accompanying microchip until such time they are brought into domestic use.

The derogations are limited to very specific areas and those operating derogations (namely the Hill Pony Improvement Society and the Carneddau Society) are required to forward management plans to the Welsh Government on scrutiny on an annual basis. There is a provision within the new European Regulations for Member States to operate derogations in specific circumstances which will be consulted on later this year.

The Welsh Government listened to the views and evidence provided by the third sector, enforcement authorities and stakeholders when developing the legislation, it was widely recognised that there was an urgent need for a quick, cost effective and simple solution to help deal with the problem which the Act provides. Officials continue to work collaboratively with local authorities, horse charities and members of the public to ensure that the Act is used as part of the suite of measures available to deal effectively with the issues of fly grazing.

A handwritten signature in black ink, appearing to read 'Rebecca', written in a cursive style.

**Rebecca Evans AC / AM**

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