

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CONTROL OF HORSES BILL

Thursday 8 January 2015

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CLAUSES 1 to 4 agreed to, some with amendments.
New clause considered.
Title amended.
Bill, as amended, to be reported.

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The Committee consisted of the following Members:

Chair: MR JAMES GRAY

- | | |
|---|--|
| † Docherty, Thomas (<i>Dunfermline and West Fife</i>)
(Lab) | † Nokes, Caroline (<i>Romsey and Southampton North</i>)
(Con) |
| Doyle-Price, Jackie (<i>Thurrock</i>) (Con) | Parish, Neil (<i>Tiverton and Honiton</i>) (Con) |
| Edwards, Jonathan (<i>Carmarthen East and Dinefwr</i>)
(PC) | † Pearce, Teresa (<i>Erith and Thamesmead</i>) (Lab) |
| † Eustice, George (<i>Parliamentary Under-Secretary of</i>
<i>State for Environment, Food and Rural Affairs</i>) | † Smith, Angela (<i>Penistone and Stocksbridge</i>) (Lab) |
| Fitzpatrick, Jim (<i>Poplar and Limehouse</i>) (Lab) | † Sturdy, Julian (<i>York Outer</i>) (Con) |
| † Glindon, Mrs Mary (<i>North Tyneside</i>) (Lab) | † Swales, Ian (<i>Redcar</i>) (LD) |
| † Graham, Richard (<i>Gloucester</i>) (Con) | † Walker, Mr Robin (<i>Worcester</i>) (Con) |
| † Morris, Grahame M. (<i>Easington</i>) (Lab) | † Wharton, James (<i>Stockton South</i>) (Con) |
| | Kate Emms, <i>Committee Clerk</i> |
| | † attended the Committee |

Public Bill Committee

Thursday 8 January 2015

[MR JAMES GRAY *in the Chair*]

Control of Horses Bill

2 pm

The Chair: I welcome everybody to the Committee stage of the Control of Horses Bill, which I hope will be a pleasant and enjoyable occasion. I am sure you will all find it to be so. I am a stern, traditional and old-fashioned sort of chap; one word out of place and Members will be in deep trouble. I congratulate the hon. Member for York Outer (Julian Sturdy) on getting his Bill to this stage. I hope he will enjoy the remaining stages.

It is worth reminding the Committee that by order of the House on 25 November, there is an instruction that the Committee

“has power to make provision in the Bill about the powers of owners or occupiers of any land in England in relation to horses which are on the land without lawful authority.”

In other words, what we are discussing may in theory go beyond what is included in the long title of the Bill. That instruction allows us to do that, and copies are available in the room.

Clause 1

POWERS OF LOCAL AUTHORITIES IN ENGLAND TO DETAIN HORSES

Julian Sturdy (York Outer) (Con): I beg to move amendment 1, in clause 1, page 1, line 15, leave out “7B” and insert “7C”

This amendment is consequential on the proposed NCI (“powers of freeholders and occupiers to detain horses”).

The Chair: With this it will be convenient to discuss the following:

Amendment 2, in clause 1, page 1, line 17, leave out “and section 7B”

The amendments proposed to clause 2 have the result that “local authority” is used only in section 7A.

Amendment 3, in clause 1, page 1, line 22, at end insert—

“() In section 7 (detention and sale of trespassing livestock), at the end insert—

“() Subsections (2) to (7) do not apply to horses on land in England (as to which, see sections 7A to 7C).”

This disapplies the majority of section 7 of the Animals Act to horses in England, as sections 7A to 7C will apply instead.

Amendment 4, in clause 2, page 2, line 9, leave out “7A” and insert “7B”

This amendment is consequential on the proposed NCI relating to the powers of freeholders and occupiers.

Amendment 5, in clause 2, page 2, line 9, leave out “1” and insert

“(powers of freeholders and occupiers)”

This amendment is consequential on the proposed NCI relating to the powers of freeholders and occupiers.

Amendment 6, in clause 2, page 2, line 11, leave out “7B” and insert “7C”

This amendment is consequential on the proposed NCI relating to the powers of freeholders and occupiers.

Amendment 7, in clause 2, page 2, line 11, leave out “section 7A” and insert “sections 7A and 7B”

This amendment is consequential on the proposed NCI relating to the powers of freeholders and occupiers.

Amendment 8, in clause 2, page 2, line 12, at end insert “or 7B.”

This amendment is consequential on the proposed NCI relating to the powers of freeholders and occupiers.

Amendment 9, in clause 2, page 2, line 15, leave out “local authority” and insert “person detaining the horse”

With the proposed NCI the person detaining the horse could be the local authority or a private freeholder or occupier.

Amendment 10, in clause 2, page 2, line 17, leave out “local authority” and insert “person detaining the horse”

With the proposed NCI the person detaining the horse could be the local authority or a private freeholder or occupier.

Amendment 11, in clause 2, page 2, line 24, leave out from “to” to end of line 30 and insert

“each person with a claim under section 4A in respect of the horse such amount as is sufficient to satisfy the claim”

With the proposed NCI persons with a claim under section 4A might not include a local authority.

Amendment 12, in clause 2, page 2, line 33, leave out “local authority” and insert “person detaining the horse”

With the proposed NCI the person detaining the horse could be the local authority or a private freeholder or occupier.

Amendment 13, in clause 2, page 2, line 34, leave out “local authority” and insert “person detaining the horse”

With the proposed NCI the person detaining the horse could be the local authority or a private freeholder or occupier.

Amendment 14, in clause 2, page 2, line 38, leave out from “claims” to “under” in line 39

With the proposed NCI persons with a claim under section 4A might not include a local authority.

Amendment 15, in clause 2, page 2, line 40, leave out “local authority” and insert “person detaining the horse”

With the proposed NCI the person selling the horse could be the local authority or a private freeholder or occupier.

Amendment 16, in clause 2, page 2, line 42, leave out “local authority” and insert “person”

With the proposed NCI the person detaining the horse could be the local authority or a private freeholder or occupier.

Amendment 17, in clause 2, page 3, line 4, leave out “in the public place” and insert “on the land”

With the proposed NCI the horse could be detained on private land.

Amendment 18, in clause 3, page 3, line 13, leave out “in public places (England)” and insert

“on land in England without lawful authority”

With the proposed NCI the horse could be detained on private land.

Amendment 19, in clause 3, page 3, line 15, leave out “in any public place” and insert “on any land”

With the proposed NCI the horse could be detained on private land.

Amendment 20, in clause 3, page 3, line 21, leave out “owner” and insert “freeholder”

This amendment is consequential on the proposed NCI relating to the powers of freeholders and occupiers.

Amendment 21, in clause 3, page 3, line 23, leave out “7 or section 7A” and insert “7A or 7B”

This amendment is consequential on the proposed NCI relating to the powers of freeholders and occupiers.

Amendment 22, in clause 3, page 3, line 26, leave out “7 or 7A” and insert “7A or 7B”

This amendment is consequential on the proposed NCI relating to the powers of freeholders and occupiers.

Amendment 23, in clause 3, page 3, line 33, leave out “in public places” and insert “on land”

This is consequential on Amendment 19.

New clause 1—*Powers of freeholders and occupiers to detain horses—*

After section 7A of the Animals Act 1971 (as inserted by section 1 of this Act), insert—

“7B Powers of freeholders and occupiers to detain horses

(1) This section applies where a horse is on any land in England without lawful authority.

(2) The horse may be detained—

(a) in any case, by the occupier of the land, and

(b) if the freeholder is not the occupier, by the freeholder with the occupier’s consent.

(3) Section 7C contains further provision about detention under this section.”

Clause 1 confers on local authorities in England a power to detain horses in public places without lawful authority. This proposed NCI extends a similar power to freeholders or occupiers of any land in England. It is intended that this would become clause 2 of the Bill.

Amendment 24, in title, line 1, leave out “in public places” and insert

“on land in England without lawful authority”

This amendment is consequential on the proposed NCI.

Julian Sturdy: It is a great pleasure to serve under your chairmanship this afternoon, Mr Gray. I am delighted to have the opportunity to discuss amendments to my private Member’s Bill on the control of horses. I draw Members’ attention to my declaration of interest as a farmer. Although, thankfully, I have never suffered from fly-grazing, it is worth putting that declaration on the record.

As the Committee will no doubt be aware, it is absolutely essential that abandoned horses are offered the full protection of the law on public and private land. Just before Christmas, in my constituency, a dozen horses were seized by the local authority on council-owned land near Osbaldwick. I fear that hundreds more continue to be neglected on private land across the region and the country. As well as in your home county of Wiltshire, Mr Gray, I know that other Members present today have similar problems in their constituencies and are plagued by the problem of illegally fly-grazed horses. I am grateful to them and other Members from all parts of the House for their continued support throughout proceedings on the Bill. It is my sincere hope that the Bill will make it on to the statute book and that this will be the last winter that abandoned horses are left outside in the cold without the protection of local authorities and private landowners acting in the animals’ best interests.

The amendments, which stand in my name and that of the Minister, would extend the provisions of the Bill to any land in England and give powers to detain horses to freeholders and occupiers of private land. I remind the Committee that the Bill amends section 7 of the

Animals Act 1971 with respect to the process for managing horses on land without lawful authority in England. It reduces the time that a person is required to detain a horse before disposing of it from 14 days to 96 hours—what would be classed as four clear days. It also creates a more flexible way of disposing of unclaimed horses by methods other than sale at auction, such as gifting the horse to an animal welfare sanctuary or charity. The current long title of the Bill restricts its scope to the fly-grazing of horses in public places, but it is crucial that we ensure that horses on private land receive the same level of protection as those on public land under the Bill.

I have been working closely with a wide variety of animal welfare charities and countryside bodies. I am particularly grateful for the invaluable assistance of the Royal Society for the Prevention of Cruelty to Animals, the National Farmers Union, World Horse Welfare, the Countryside Alliance, the Country Land and Business Association and the British Horse Society. I also greatly appreciated the clear cross-party support for my proposals on Second Reading. During that debate, as the promoter of the Bill, I requested that the Government support my tabling these amendments, and I am delighted that the Minister’s name has been added to them.

On 25 November last year, the House agreed an instruction to the Bill Committee to consider these amendments, which had been deemed by the Public Bill Office to be beyond the scope of the long title of the Bill, which refers only to the control of horses in public places. It might help the Committee if I briefly explain why I had to resort to such an unusual parliamentary procedure, of which I confess I was previously unaware. It was due to a slight misunderstanding between me and the Department that seeks to keep law and order in this place. I understand that such an instruction was last obtained for use on a private Member’s Bill 14 years ago. However, the amendments were considered sufficiently cognate to the Bill for an instruction to be agreed to, for which I am most grateful. If the amendments are accepted today, I have been advised that the long title of the Bill will be adjusted accordingly by the House authorities to reflect the wider provisions.

As it stands, the Bill refers only to public places and the corresponding powers conferred upon local authorities to apply the Bill’s provisions on public land. The amendments reflect the need for a consistent approach to horses being fly-grazed on any land without lawful authority. As I said during the debate on the instruction, it would be perverse if private farmland were to become, inadvertently, a refuge for neglected horses. Restricting the Bill to public land would tempt irresponsible horse owners to move their fly-grazed horses on to private land. The amendments would prevent that from happening.

As the animal welfare charities have made clear, we are dealing with a horse crisis. An estimated 3,000 horses have been abandoned in England alone. Horses being fly-grazed can present some extremely serious animal welfare concerns. Sadly, uncared-for horses are often found sick, starving or worse.

Richard Graham (Gloucester) (Con): That is a critical point. Horses have been fly-grazed on private land every year for the past four years on the outskirts of Gloucester. Similarly, in Warndon village in the constituency of my hon. Friend the Member for Worcester, animals

[Richard Graham]

have been left to fly-graze on private land; during the 14-day period, floods have risen, foals have died and animals have suffered severely, but the RSPCA has been unable to act. My hon. Friend's amendments will tackle that considerable problem.

Julian Sturdy: I thank my hon. Friend for highlighting an issue in his constituency that demonstrates how important the Bill and the amendments are. As he said, it is crucial that the Bill refers to private land as well as public land. He is right also to highlight the problem under the previous legislation of the length of time that must elapse before anyone can act, which the Bill would radically shorten to four working days. That is important, and I hope that if the Bill is enacted it will prevent the circumstances that my hon. Friend and his constituents sadly see regularly, which are distressing both for the people who see the horses suffering and who are not able to do anything about it and for the horses themselves. This is such an important point; it is crucial. The Bill is about animal welfare; we have to make that clear.

Ian Swales (Redcar) (LD): I would like to add my personal support to the amendments, because in my area horses sometimes appear in urban locations and when they break loose and need to be caught, there is no saying who the owner of the land will be where they end up. If they happened to roam on to private land, the Bill as drafted would leave the council powers at the gate, as it were.

Julian Sturdy: I thank my hon. Friend for highlighting that this problem is found not just in rural areas, but in urban areas. The case in his constituency highlights that perfectly. He is absolutely right. That is why we have to highlight again the important point that the Bill must refer not only to public land, but to private land. As he rightly points out, there is also a health and safety issue when horses get free, because of the impact that that can have on road users as well. On Second Reading, I highlighted some horrific incidents of that in my own constituency.

Caroline Nokes (Romsey and Southampton North) (Con): On that point, and not referring to road users, I have seen animals roaming free in children's play areas in Southampton. For young children and their families that can be incredibly frightening and, indeed, dangerous.

Julian Sturdy: My hon. Friend is absolutely right. Fly-grazing affects our local communities, causing wide-ranging problems. Those affected range from farmers to communities, and the problem is by no means restricted to public places. It affects prime farmland, school properties, busy roads, rural pathways and conservation areas. There is a need to tackle fly-grazing in a swift and timely manner wherever it occurs, and the issue is that it occurs both on public and on private land, and in rural and in urban areas. It occurs across the board, which is why the Bill is so important.

Richard Graham: It is worth highlighting, as I am sure my hon. Friend would agree, that on this issue it is remarkable that we have such a strong gathering of

non-governmental organisations and charities, all of which agree with him on this point. The Country Land and Business Association, the Countryside Alliance, World Horse Welfare, the RSPCA, the NFU, Blue Cross, Redwings, HorseWorld and the British Horse Society all agree that this issue is critical and that giving private landowners the same powers as local authorities under the Bill will be extremely positive. Does my hon. Friend agree that having all those bodies on board gives us all much greater confidence that this is the right way forward?

Julian Sturdy: That is absolutely right. Again, my hon. Friend makes a very pertinent point. The charities that I mentioned at the beginning, which I have been working with and which my hon. Friend has just highlighted, are fully behind this measure. It could be argued that on other issues they are on different sides of the fence, but this is such an important issue of animal welfare that it unites a number of different bodies. They are all firmly behind what we are trying to achieve and want to get the Bill on to the statute book so that the powers are there to control horses, but also, so importantly, for the purposes of animal welfare. That is at the heart of what we are trying to achieve here today and, we hope, as the Bill passes into the other place.

For the reasons that I have set out and my hon. Friends have set out clearly in their interventions, new clause 1 would extend the scope of the Bill to cover private land and would provide freeholders and occupiers with the power to detain horses that are on any land in England without lawful authority. It would become clause 2 of the Bill, providing a new section 7B of the Animals Act 1971. These changes are essential if we are to follow the excellent example set by the Welsh Assembly and ensure that fly-grazing is tackled consistently—that is the key point; it has to be tackled consistently—and with the necessary resolve to protect horses from neglect and to safeguard the public from danger, as has been said a number of times in relation to highway safety. No land should be left without protection, because to do so would be careless in the extreme. By conferring those powers on landowners and occupiers alongside local authorities, the Bill will provide a fairer and more equitable remedy against fly-grazing and horse abandonment.

2.15 pm

Angela Smith (Penistone and Stocksbridge) (Lab): Mr Gray, I start by wishing you, the Committee, the Clerk and the officials a happy new year. It is a pleasure to serve under your chairmanship. I rise to express the Opposition's support for new clause 1 and the amendments, which extend the provisions of the Bill to private land in line with the instruction agreed on the Floor of the House just before the Christmas recess. That instruction is important, because the Bill's effectiveness in reducing fly-grazing will be seriously curtailed if it relates only to public land. According to the RSPCA and the CLA, the best estimates are that some 3,500 horses are currently being fly-grazed, with approximately 1,750 of them on private land. That statistic shows perfectly the importance of extending the measures to cover private land.

We welcome the change of heart by the Department that deals with the way in which business is arranged in the House. We welcome the Government's admission

that the Bill needs to be strengthened. One can only speculate about why private land was excluded in the first place, but I acknowledge that the problem is on the verge of being resolved. The Opposition are thankful for that, because we understand the importance of the legislation to a wide range of animal welfare charities and to local authorities. We also welcome the Government's support for the Bill, which gives it a real chance of becoming law.

The RSPCA has seen a 20% rise in calls relating to tethered horses, and there has been a huge rise in the number of incidents of fly-grazing reported to local authorities over the past few years. The hon. Member for York Outer, to whom I again pay tribute for his promotion of the Bill, referred to the public safety element. Only yesterday the M25 was closed for more than an hour because of a loose fly-grazed horse on the carriageway. Nobody was injured, and we are extremely lucky that that was the case. Before Christmas, however, there was even more serious incident involving a derailment north of Cambridge. Six or seven horses were loose on the track, and most of them were killed by a train that was travelling at approximately 60 miles an hour. Nobody on the train was killed, but some of the passengers were injured and the line was closed for a few hours. Those two incidents make the case for why we need the Bill to be on the statute book.

As I commented on Second Reading, our outdated legislation and enforcement powers allow criminals to pirouette through their responsibilities and evade justice while horses suffer. Landowners, whether public or private, find themselves enmeshed in an unnecessarily tragic farce when it comes to sorting the problem out. A good example of the problem faced by many communities is a case in Chelmsford, Essex, where an elderly man awoke to find a group of horses on his land. For the previous two years, the animals had been unlawfully grazed on land owned by the Essex Wildlife Trust. What had started as four ponies rapidly became 13 when foals were born. Eventually, after exhausting every avenue for persuading the owners to remove the horses, the trust hired a solicitor, at great cost. Eventually, the horses pushed through fences on to other land and into gardens as they went out in search of more grass to eat. Signs that had been erected were ignored. The trust considered removing the horses, but the time it took to hire a solicitor was related to the cost, which is always involved in dealing with such problems. However, in the end, after causing havoc for some time, the horses were moved on—down the road, to the land of the old man I just mentioned—and the whole process started again.

Frankly, that is totally unacceptable. In this case, the fly-grazing was on private land, which is why the provisions in the Bill need to be extended. We therefore welcome the changes, as they reflect our long-standing view that we need a comprehensive solution to the problem of fly-grazing.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (George Eustice): I rise briefly to add my support for amendments 1 to 23, new clause 1 and amendment 24, which stand in my name and that of my hon. Friend the Member for York Outer. It is worth saying, as my hon. Friend said, that there was some confusion about the Bill's initial long title, but the point to bear in mind is that all the debates on the issue

over the past couple of years have tended to refer to legislation introduced in Wales, which focuses on public land and local authorities.

My hon. Friend approached me and other Ministers to ask whether it would be possible to get Government support for a private Member's Bill to consider the matter. We were sympathetic to the arguments from the outset and were keen to work with him on the issue, being aware that there was cross-party support throughout the House for action. However, before we could formulate exactly what the Bill might look like—the House waits for no one—the time for submitting a long title had come, so my hon. Friend put down the long title that he did.

After talking to animal welfare charities, landowner groups and many others, we took the clear view that it would be a major oversight to pass a Bill relating to public land only. There would be a danger of displacing the problem to private land, as well as an imbalance between how we deal with private and public land. That imbalance does not exist under the Animals Act 1971, which has dealt with the issue to date. We took the view that if a job is worth doing, it is worth doing properly and that we should therefore change the scope of the Bill to cover both private and public land, as was the clear wish of the animal welfare charities and others.

That is why I was delighted to table a motion before the House on 25 November to issue an instruction to the Bill Committee to consider the amendments to change the scope of the Bill. As my hon. Friend said, that procedure is not used often—apparently it has not been used for 14 years—but having tried unsuccessfully to pass a private Member's Bill earlier in this Parliament, I took the view that there are enough obstacles in the way of a private Member's Bill without allowing such a technicality to frustrate yet another, which is why we were delighted to use the procedure, which exists for precisely such scenarios, to give the Bill a fair wind and hopefully ensure that it goes on the statute books before the end of the Session.

Amendment 1 agreed to.

Amendments made: 2, in clause 1, page 1, line 17, leave out “and section 7B”

Amendment 3, in clause 1, page 1, line 22, at end insert—

() In section 7 (detention and sale of trespassing livestock), at the end insert—

() Subsections (2) to (7) do not apply to horses on land in England (as to which, see sections 7A to 7C).”—(*Julian Sturdy.*)

Angela Smith: I beg to move amendment 25, in clause 1, page 2, line 8, at end insert—

“(d) “welfare needs” has the same meaning as in section 9 of the Animal Welfare Act 2006.”

The Chair: With this it will be convenient to discuss the following:

Amendment 26, in clause 2, page 2, line 35, at end insert “to ensure its welfare.”

Amendment 27, in clause 2, page 2, line 44, leave out “supply it with adequate food and water”

and insert

“ensure its welfare needs are met to the extent required by good practice.”

Angela Smith: These are probing amendments to specify precisely the welfare needs of any horse detained under the provisions in the Bill. I was proud to sit on the Committee of the Animal Welfare Act 2006. It was a landmark piece of legislation, which put the welfare and care of animals on a proper legal footing for the first time. It is a piece of legislation from the last Labour Government of which we are rightly proud, and it contains the now famous five tests for animal welfare standards.

It is always worth repeating the tests: the animal must have access to food and water, be kept in an environment appropriate to its needs, be housed with or apart from other animals as appropriate, be able to exhibit normal behaviours and receive protection from pain, suffering, injury and disease. Not all horses seized under the Bill will be in good health or have enjoyed access to high welfare standards, and it is entirely possible that many will need veterinary treatment or other support. As currently drafted, the Bill requires the seizing authority only to focus on taking reasonable care of the animal and provide it with food and water. My point is that there are five welfare needs embedded in the 2006 Act, as I have outlined, and by not listing them all the Bill suggests that one need—for food and water—is of greater significance than the others.

The Opposition believe that the Bill should be used to bring legislation in line with the 2006 Act, and that our amendments would achieve that. The term “reasonable care” is not entirely clear, and mentioning specifically only food and water could mean that the overall health and welfare needs of the animal could be overlooked or not addressed satisfactorily. I hope we all agree that would not be acceptable. Although I recognise that the 2006 Act, specifically section 9, would apply to the seizing authority, I believe that it would be beneficial to make three minor amendments to the Bill in order to demonstrate consistency with the 2006 Act, especially as far as the terminology is concerned. After all, the 2006 Act did define clearly, for the first time, the welfare needs of animals. It makes sense to maintain consistency with that definition.

To find an example of why the broader welfare needs of horses are important, one has only to look at the experiences of organisations such as the RSPCA. In Northwich, an RSPCA inspector was called to a field containing six illegally grazed horses, one of which was already dead. It was not possible to trace the horses as they had not been microchipped or passported. The dead horse was severely underweight and looked to have suffered severe diarrhoea. Another horse, which was barely alive, was also experiencing diarrhoea. His coat was matted and looked in a very poor condition, and he clearly needed urgent medical attention. In another case, the tail of a horse had become so entangled in a barbed wire fence that it had to be amputated. The common thread running through these cases is that they required veterinary and specialist welfare care. The simple amendments I have tabled would guarantee that care.

Ian Swales: I am by no means an expert on this subject, but I have been involved in situations in which foals were born in the middle of housing estates and so on, so I understand the welfare issues about which the hon. Lady is speaking. Nevertheless, does she have any

concerns that her amendments might put undue burdens on the seizing authorities and might even result in their becoming liable in ways not envisaged in the Bill?

Angela Smith: Under the 2006 Act, the authorities are already compelled to act according to those five needs. My amendments are about maintaining consistency between the provisions of this Bill and that Act. I direct the hon. Gentleman to an example in the north-east of how local authorities can respond effectively to new powers. The north-east equine forum is a multi-agency approach involving a number of local authorities, police forces and charities that allows for a more proactive approach to dealing with the problem and the ability to share the burden by tackling the issue collectively. I hope that we would see that approach copied elsewhere because it seems to me to be an entirely sensible way to address the issue as and when it arises.

I recall that on Second Reading the Minister conceded, in an intervention, that guidance may well be issued once the provisions have reached the statute book. Will the Minister therefore not only respond to the amendments but inform the Committee whether guidance will be forthcoming and, if so, whether it will be properly embedded in the definition of welfare needs outlined in the 2006 Act?

I do not want to divide the Committee on the principle of the amendments as I believe there is a strong consensus here at Westminster on the strength of the definition of welfare needs in the 2006 Act. Nevertheless, I await the Minister’s response with interest, and I am looking for assurances that the Government will ensure that horses seized under the provisions outlined in the Bill are cared for, not just according to a vague reference to “reasonable care” and in relation to the provision of food and water, but according to the high standards we have come to expect as a result of the 2006 Act.

2.30 pm

George Eustice: I do understand the sentiment behind the hon. Lady’s amendments. The intention seems to be, if I understand it correctly, to modify the Bill in order to introduce some kind of crossover to the Animal Welfare Act 2006 and the welfare conditions specified in that. However, we do not believe the amendments are necessary, because welfare issues are already taken into account in the Bill and in other relevant legislation, notably the 2006 Act.

The requirements of the 2006 Act apply—the hon. Lady served on the Bill Committee for that—without being explicitly stated here. That Bill was enacted and applies anyway, and I am happy to confirm that anyone who detains a horse is subject to all the requirements in that Act. Therefore, there is no need for the cross-referencing in this Bill. We do not tend to do things in that way; we do not make reference to every other piece of legislation when we draft new Bills. Bills that are already enacted are seen to be enacted and have force. Adding such wording would simply be repeating what is already required in another statute.

The 2006 Act, by virtue of offences in section 4(2) and section 9, ensures that any horse detained by a person must be properly looked after. Section 3 of that Act defines when a person is responsible for an animal,

and that includes being “in charge of it”, which test a person detaining a horse to exercise Animals Act 1971 rights would meet.

With regard to defining reasonable care for horses’ welfare needs, I would note that “reasonable”—the hon. Lady commented that that was vague—is used in section 9 of the 2006 Act. It states:

“A person commits an offence if he does not take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which he is responsible are met”.

Overall, I think the animal welfare needs of horses are well catered for by existing legislation. Landowners and occupiers responsible for animals are under a duty under the 2006 Act to care for their animals’ needs and they can be prosecuted for failure to abide by that duty. In addition, we should bear in mind that there is an equine code of practice which already gives practical advice and guidance to horse owners and keepers on how to meet their horse’s welfare needs, including those seeking to take on or re-home a horse.

The hon. Lady made a point in relation to proposed new section 7B(7) of the Animals Act 1971. She seeks to amend the language currently used. It states that “reasonable care”

should be taken and that the horse should be supplied “with adequate food and water”.

There is another subtle difference here. We have to bear in mind that the purpose of the section, as set out in the 1971 Act, was less about animal welfare than it perhaps was about damage to the animal and loss of value. At the time, it was that issue that the Act was addressing.

I hope that the hon. Lady will not press her amendments. The consequence of doing so would probably be that we would have to go through all the other bits of the 1971 Act and change all those as well, which would then significantly change the nature of the Bill under discussion. She asked about guidance. DEFRA would be more than happy to contribute to any guidance. We do not necessarily see a need for formal guidance to be issued, but for the avoidance of doubt, I am happy to make it clear here, in Committee, that the Animal Welfare Act 2006 will apply to anyone who detains a horse under these provisions. We are happy to work with other organisations, stakeholders and welfare charities to develop and reform the guidance that they might have to clarify that.

Julian Sturdy: I think it is important to put on record, having met with the hon. Member for Penistone and Stocksbridge on numerous occasions, that I know at first hand how strong her commitment is to the Bill and to animal welfare more broadly. I entirely agree that animal welfare should be central in our minds. Those who rescue abandoned horses should always comply with a high standard of welfare protection. I was also pleased to hear the Minister, who I know also has a strong commitment to the Bill and to animal welfare, discuss the Government’s strong commitment to horse welfare. As the Minister has, I hope, reassured the Committee, I hope the hon. Lady will not press the amendments to a vote, because they could cause a slightly confusing duplication in the Bill.

Angela Smith: On the basis of the Minister’s response, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2

EXERCISE OF POWERS OF DETENTION

Amendments made: 4, in clause 2, page 2, line 9, leave out “7A” and insert “7B”

Amendment 5, in clause 2, page 2, line 9, leave out “1” and insert

“(powers of freeholders and occupiers)”

Amendment 6, in clause 2, page 2, line 11, leave out “7B” and insert “7C”

Amendment 7, in clause 2, page 2, line 11, leave out “section 7A” and insert “sections 7A and 7B”

Amendment 8, in clause 2, page 2, line 12, at end insert “or 7B.”

Amendment 9, in clause 2, page 2, line 15, leave out “local authority” and insert “person detaining the horse”

Amendment 10, in clause 2, page 2, line 17, leave out “local authority” and insert “person detaining the horse”

Amendment 11, in clause 2, page 2, line 24, leave out from “to” to end of line 30 and insert

“each person with a claim under section 4A in respect of the horse such amount as is sufficient to satisfy the claim”

Amendment 12, in clause 2, page 2, line 33, leave out “local authority” and insert “person detaining the horse”

Amendment 13, in clause 2, page 2, line 34, leave out “local authority” and insert “person detaining the horse”

Amendment 14, in clause 2, page 2, line 38, leave out from “claims” to “under” in line 39

Amendment 15, in clause 2, page 2, line 40, leave out “local authority” and insert “person detaining the horse”

Amendment 16, in clause 2, page 2, line 42, leave out “local authority” and insert “person”

Amendment 17, in clause 2, page 3, line 4, leave out “in the public place” and insert “on the land”.—(*Julian Sturdy.*)

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3

LIABILITY FOR DAMAGE AND EXPENSES DUE TO HORSES IN PUBLIC PLACES

Amendments made: 18, in clause 3, page 3, line 13, leave out “in public places (England)” and insert “on land in England without lawful authority”

Amendment 19, in clause 3, page 3, line 15, leave out “in any public place” and insert “on any land”

Amendment 20, in clause 3, page 3, line 21, leave out “owner” and insert “freeholder”

Amendment 21, in clause 3, page 3, line 23, leave out “7 or section 7A” and insert “7A or 7B”

Amendment 22, in clause 3, page 3, line 26, leave out “7 or 7A” and insert “7A or 7B”

Amendment 23, in clause 3, page 3, line 33, leave out “in public places” and insert “on land”—(*Julian Sturdy.*)

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4 ordered to stand part of the Bill.

New Clause 1**POWERS OF FREEHOLDERS AND OCCUPIERS TO
DETAIN HORSES**

After section 7A of the Animals Act 1971 (as inserted by section 1 of this Act), insert—

“7B Powers of freeholders and occupiers to detain horses

(1) This section applies where a horse is on any land in England without lawful authority.

(2) The horse may be detained—

(a) in any case, by the occupier of the land, and

(b) if the freeholder is not the occupier, by the freeholder with the occupier’s consent.

(3) Section 7C contains further provision about detention under this section.”—(*Julian Sturdy.*)

Brought up, read the First and Second time, and added to the Bill.

Title

Amendment made: 24, in title, line 1, leave out “in public places” and insert

“on land in England without lawful authority”—(*Julian Sturdy.*)

Bill, as amended, to be reported.

2.38 pm

Committee rose.