

ACCOMPANYING DOCUMENTS

Explanatory Notes and an Explanatory Memorandum are printed separately.

Control of Horses (Wales) Bill

[AS INTRODUCED]

CONTENTS

1	Overview
2	Power of local authority to seize horses
3	Notices about seizure etc.
4	Costs of seizure etc.
5	Disposal of impounded horses
6	Record of horses dealt with
7	Appeals
8	Consequential repeals
9	Interpretation
10	Commencement and short title

Control of Horses (Wales) Bill

[AS INTRODUCED]

An Act of the National Assembly for Wales to make provision for and in connection with the taking of action in relation to horses which are in public places without lawful authority or which are on other land without consent.

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:

1 Overview

This Act makes provision for local authorities to seize, impound and dispose of horses which –

- (a) are in public places without lawful authority, or
- (b) are on other land without the consent of the occupier of the land.

2 Power of local authority to seize horses

- (1) A local authority may seize and impound a horse which is on any highway, or in any other public place, in the local authority's area if the local authority has reasonable grounds for believing that the horse is there without lawful authority.
- (2) A local authority may seize and impound a horse which is on any other land in the local authority's area if the local authority has reasonable grounds for believing –
 - (a) in the case of land of which the local authority is the occupier, that the horse is there without the local authority's consent, or
 - (b) in the case of other land in the local authority's area, that the horse is there without the consent of the occupier of the land and that the occupier consents to the local authority seizing and impounding it.

3 Notices about seizure etc.

- (1) A local authority must, within 24 hours of seizing a horse under section 2, place in a conspicuous position at or near the place where it was seized, a written notice –
 - (a) stating that the horse has been seized and the date and time at which it was seized, and
 - (b) giving details of how contact can be made with the local authority.
- (2) A local authority must, as soon as reasonably practicable after seizing a horse under section 2, take reasonable steps to ascertain who is the owner of the horse.

- (3) A local authority must, within 24 hours of seizing a horse under section 2, give a written notice to—
- (a) any person who appears to the local authority to be the owner of the horse or to be acting on behalf of the owner in relation to the horse, and
 - (b) a constable.
- (4) Where, within the period of 7 days beginning with that on which a horse is seized under section 2, a local authority ascertains that a person who has not been given a written notice under subsection (3)(a) is the owner of the horse, the local authority must, within 24 hours, give a written notice to that person.
- (5) A notice under subsection (3) or (4) must be dated and include—
- (a) a brief description of the horse,
 - (b) a statement of the date, time and place at which the horse was seized, and
 - (c) details of how contact can be made with the local authority.
- (6) A notice under subsection (3)(a) or (4) must also state—
- (a) why the recipient appears to the local authority to be the owner of the horse or to be acting on behalf of the owner in relation to the horse, and
 - (b) the effect of the operation of section 5 in relation to the horse (including the date on which the power conferred by subsection (3) of that section will become available).
- (7) A notice under subsection (3)(b) must also state who has been given a notice under subsection (3)(a) in relation to the horse.

4 Costs of seizure etc.

- (1) The owner of a horse seized by a local authority under section 2 is liable to pay to the local authority costs reasonably incurred in the seizure and impounding of the horse and in feeding and maintaining it while it is impounded.
- (2) The local authority is not required to return the horse until the costs so incurred have been paid.

5 Disposal of impounded horses

- (1) This section applies if, at the end of the period of 7 days beginning with the relevant day—
- (a) neither the owner of the horse nor a person acting on behalf of the owner of the horse has contacted the local authority, or
 - (b) the owner of the horse has contacted the local authority but has not complied with section 4(1).
- (2) The “relevant day” means—
- (a) if the local authority gives notice under section 3(4), the day on which that notice is given, and
 - (b) otherwise, the day on which the local authority gives notice under section 3(3).

- (3) The local authority may, after the end of that period, sell or otherwise dispose of the horse (including by arranging for its destruction).
- (4) Where there are no proceeds arising from the disposal, or the amount of the costs incurred in connection with the disposal exceeds the amount of such proceeds, the owner of the horse is liable to pay to the local authority the amount of any costs incurred in connection with the disposal, or the amount of that excess.
- (5) Where the amount of any proceeds arising from the disposal exceeds the amount of the costs incurred in connection with the disposal, the local authority must pay the excess to the owner of the horse.
- (6) But subsection (5) does not require the payment of any amount to a person if the local authority has previously paid that amount to a person whom it reasonably believed to be the owner of the horse.

6 Record of horses dealt with

- (1) A local authority must keep a register of all horses seized by it under section 2.
- (2) The register must contain, in relation to each horse –
- (a) a brief description of the horse,
 - (b) a statement of the date, time and place at which it was seized,
 - (c) a statement of when it was impounded, and
 - (d) details of the steps taken to ascertain the identity of its owner,
- and, if the horse has been disposed of under section 5, particulars of the manner in which it was disposed of.
- (3) The register must be open for inspection by the public (whether in person or via the internet) at all reasonable times.

7 Appeals

- (1) The Welsh Ministers may by statutory instrument make regulations providing for a right of appeal in relation to any matter arising under this Act.
- (2) The provision that may be made by the regulations includes (but is not limited to) –
- (a) provision specifying the grounds on which an appeal may be brought,
 - (b) provision for and in connection with the appointment of persons to hear appeals,
 - (c) provision specifying the time within which appeals are to be brought and determined,
 - (d) provision for procedure on appeals,
 - (e) provision imposing fees for bringing appeals,
 - (f) provision as to the award of costs in appeals, and
 - (g) provision preventing the taking of any specified action pending the determination of appeals.

- (3) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

8 Consequential repeals

The following cease to have effect—

- 5 (a) section 29 of the Cardiff City Council Act 1984 (c. xv);
- (b) in section 15(8) of the Mid Glamorgan County Council Act 1987 (c. vii), the words “horses (including ponies, mules, jennets),”; and
- (c) in section 35(7) of the West Glamorgan Act 1987 (c. viii), the word “horses,”.

9 Interpretation

10 In this Act—

“horse” (“*ceffyl*”) includes a pony, donkey, mule or hinny or any other equine animal;

“local authority” (“*awdurdod lleol*”) means the council of a Welsh county or county borough.

15 10 Commencement and short title

- (1) This Act comes into force on the day after the day on which it receives Royal Assent.
- (2) The short title of this Act is the Control of Horses (Wales) Act 2013.