

Q. a) What is the law regarding abandoned horses on livery yards.

A. a) If the owner has abandoned their horse, the livery yard owners must first inform the police of such within 48 hours prior to a 14 day notice displayed by the yard owner for the removal of the horse. If the horse has not been removed after this notice has been served, the livery yard owner can then sell the animal to recover his/her expenses but the remaining money must be given to the owner. However a passport must be acquired

Q.j.) Alternatively you can sue in the civil courts for the expenses and the judge can decide what should happen to the horse.

Q. b) If any horse is being neglected on a yard who is responsible for its welfare.

A. b) Under the animal welfare act 2007 (code of practice for the welfare of equines) and depending on what type of livery (full-part or DIY) as to the degree of responsibility, however the act requires all yards with some degree of responsibility to provide the horses 5 needs.

The 5 Needs of the Horse.

1. Has a suitable environment to live in.
2. Has a healthy Diet.
3. Is able to behave normally.
4. Has appropriate company.
5. Is protected from pain, suffering, injury and disease.

What if horses are abandoned?

Invariably complications arise when a livery abandons, leaving horses for which you will be obliged to care for. If you have served a notice to quit then once the notice period is up, you become what is termed an involuntary bailee of any property that has not been removed. Under s12 of the Torts (Interference with Goods) Act 1977, you can take certain steps to discharge your obligations as bailee, so ultimately you can sell the property. This includes animals. The steps required under the Act must be strictly complied with which may vary depending on the circumstances. We would always recommend you take professional advice in such a situation so as to avoid any exposure to a claim from an owner on the basis that you were not entitled to deal with their property or animals. However, one common trap is that you will need to be sure you are not selling property belonging to a third party, for instance, horses on loan or vehicles licensed to a third party.

Recovering the debt

You can sue on the debt in the County Court. Alternatively, you might be able to serve a Statutory Demand and invoke the insolvency procedure. However, due consideration should always be given to the likelihood of the debtor disputing the amount being claimed as a debt. Where the debtor could raise a "genuine dispute" as to whether monies were owed a statutory demand is not appropriate. It is important also to consider the debtor's financial circumstances. Clearly pursuing court action or insolvency will amount to little more than a pyrrhic victory, if the debtor is impecunious and has no means of meeting the sum claimed in any event.

- If you know who the owner of the horse(s) is then you must also serve a notice