



# Animals Act 1971

## 1971 CHAPTER 22

### *Detention and sale of trespassing livestock*

#### **7 Detention and sale of trespassing livestock.**

- (1) The right to seize and detain any animal by way of distress damage feasant is hereby abolished.
- (2) Where any livestock strays on to any land and is not then under the control of any person the occupier of the land may detain it, subject to subsection (3) of this section, unless ordered to return it by a court.
- (3) Where any livestock is detained in pursuance of this section the right to detain it ceases—
  - (a) at the end of a period of forty-eight hours, unless within that period notice of the detention has been given to the officer in charge of a police station and also, if the person detaining the livestock knows to whom it belongs, to that person; or
  - (b) when such amount is tendered to the person detaining the livestock as is sufficient to satisfy any claim he may have under section 4 of this Act in respect of the livestock; or
  - (c) if he has no such claim, when the livestock is claimed by a person entitled to its possession.
- (4) Where livestock has been detained in pursuance of this section for a period of not less than fourteen days the person detaining it may sell it at a market or by public auction, unless proceedings are then pending for the return of the livestock or for any claim under section 4 of this Act in respect of it.
- (5) Where any livestock is sold in the exercise of the right conferred by this section and the proceeds of the sale, less the costs thereof and any costs incurred in connection with it, exceed the amount of any claim under section 4 of this Act which the vendor had in respect of the livestock, the excess shall be recoverable from him by the person who would be entitled to the possession of the livestock but for the sale.

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- (6) A person detaining any livestock in pursuance of this section is liable for any damage caused to it by a failure to treat it with reasonable care and supply it with adequate food and water while it is so detained.
- (7) References in this section to a claim under section 4 of this Act in respect of any livestock do not include any claim under that section for damage done by or expenses incurred in respect of the livestock before the straying in connection with which it is detained under this section.
- [<sup>F1</sup>(8) Subsections (2) to (7) do not apply to horses on land in England (as to which, see sections 7A to 7C).]

#### Textual Amendments

**F1** S. 7(8) inserted (26.5.2015) by [Control of Horses Act 2015 \(c. 23\)](#), **ss. 1(2)**, 5(1)

#### [<sup>F2</sup>7A Power of local authorities in England to detain horses

- (1) A local authority in England may detain a horse which is in any public place in its area, if the conditions in subsection (2) are met.
- (2) The conditions are—
- (a) the local authority has reasonable grounds for believing that the horse is there without lawful authority, and
  - (b) if the land is lawfully occupied by a person—
    - (i) that person consents to the detention of the horse, or
    - (ii) the local authority has reasonable grounds for believing that that person would consent to the detention of the horse (but this does not require the authority to seek consent).
- (3) Section 7C contains further provision about detention under this section.
- (4) In this section “ local authority ” means—
- (a) a county council,
  - (b) a district council,
  - (c) a London borough council,
  - (d) the Common Council of the City of London, and
  - (e) the Council of the Isles of Scilly.]

#### Textual Amendments

**F2** S. 7A inserted (26.5.2015) by [Control of Horses Act 2015 \(c. 23\)](#), **ss. 1(1)**, 5(1)

#### [<sup>F3</sup>7B Powers of freeholders and occupiers in England 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

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- (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.]

#### Textual Amendments

**F3** S. 7B inserted (26.5.2015) by [Control of Horses Act 2015 \(c. 23\)](#), ss. 2, 5(1)

### [<sup>F4</sup>7C **Detention of horses under sections 7A and 7B**

- (1) This section applies where a horse is detained under section 7A or 7B.
- (2) The right to detain the horse ceases at the end of the period of 24 hours beginning with the time when it is first detained unless, within that period, the person detaining the horse gives notice of the detention to—
  - (a) the officer in charge of a police station, and
  - (b) if the person detaining the horse knows to whom the horse belongs, that person.
- (3) Where notice is given under subsection (2), the right to detain the horse ceases if, within the period of 96 hours beginning with the time when it is first detained, the person entitled to possession of the horse—
  - (a) claims it, and
  - (b) complies with the condition in subsection (4).
- (4) The condition is that the person tenders to each person with a claim under section 4A in respect of the horse such amount as is sufficient to satisfy the claim.
- (5) If by the end of the 96 hour period referred to in subsection (3) the right to detain the horse has not ceased under this section—
  - (a) ownership of the horse passes to the person detaining the horse, and
  - (b) accordingly, the person detaining the horse may dispose of it by selling it, arranging for it to be destroyed or in any other way.
- (6) Where a horse is sold under this section and the proceeds of sale, less the costs of the sale and any costs incurred in connection with it, exceed the amount of any claims under section 4A in respect of the horse, the excess is recoverable from the person detaining the horse by the person who would have been entitled to possession of the horse but for this section.
- (7) A person detaining a horse under this section is liable for any damage caused to it by a failure to treat it with reasonable care and supply it with adequate food and water while it is so detained.
- (8) References in this section to a claim under section 4A in respect of any horse do not include a claim under that section for damage done by or expenses incurred in respect of the horse before it was on the land without lawful authority.
- (9) In calculating a period of 96 hours for the purposes of this section, disregard any time falling on—
  - (a) a Saturday or Sunday,
  - (b) Good Friday or Christmas Day, or

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- (c) a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.]

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**Textual Amendments**

**F4** S. 7C inserted (26.5.2015) by [Control of Horses Act 2015 \(c. 23\)](#), **ss. 3, 5(1)**

**Status:**

Point in time view as at 26/05/2015.

**Changes to legislation:**

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