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STATUTORY INSTRUMENTS

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**1990 No. 2627**

**ANIMALS**

**ANIMAL HEALTH**

**The Welfare of Horses at Markets  
(and Other Places of Sale) Order 1990**

*Made - - - - 27th December 1990*

*Coming into force - - 1st March 1991*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 1, 8(1), 37(1), 38(1), 72, 86(1) and 87(2) of the Animal Health Act 1981(1) and of all other powers enabling them in that behalf, hereby make the following Order:

**Title and commencement**

1. This Order may be cited as the Welfare of Horses at Markets (and Other Places of Sale) Order 1990 and shall come into force on 1st March 1991.

**Extension of definition of “animals”**

2. For the purposes of the Act in its application to this Order the definition of “animals” in section 87(1) of the Act is hereby extended so as to comprise horses, ponies, asses, hinnies and mules.

**Interpretation**

3.—(1) In this Order, unless the context otherwise requires—

“the Act” means the Animal Health Act 1981;

“animals” means cattle, sheep, goats and all other ruminating animals, pigs, horses, ponies, asses, hinnies and mules;

“appropriate Minister” means, in relation to England, the Minister, and in relation to Scotland or to Wales, the Secretary of State;

“foal” means a horse under the age of four months;

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(1) 1981 c. 22; section 86(1) contains a definition of Ministers relevant to the exercise of the statutory powers under which this Order is made.

“highway” includes a road or lane and any place over which members of the public have a right to pass or repass with or without vehicles;

“horse” means a horse, pony, ass, hinny or mule;

“inspector” means a person appointed to be an inspector for the purposes of the Act by the Minister or by a local authority and, when used in relation to a person appointed by the Minister, includes a veterinary inspector;

“mare” includes a female horse in foal for the first time;

“market” means a market place, sale-yard, fairground, highway, or any other premises or place to which horses are brought from other places and exposed for sale and includes any lairage adjoining a market and used in connection with it and any place adjoining a market used as a parking area by visitors to the market for parking vehicles;

“market authority” means the local authority or other person responsible for the upkeep of a market or for the provision of fixed facilities there;

“market operator” means the person for the time being responsible for managing the reception or the sale of horses in a market;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“pen” includes box or stall;

“unfit” includes infirm, diseased, ill, injured and fatigued;

“vehicle” means any vehicle (including a trailer of any description and the detachable body of a vehicle) constructed or adapted for use on a road;

“veterinary inspector” means a veterinary inspector appointed by the Minister.

(2) Any reference in this Order to a numbered article is a reference to the article bearing that number in this Order.

### **Scope**

4. The provisions of articles 6, 8 to 11 and 14 to 17 shall apply to horses (or to any particular horses mentioned in any of those articles)—

- (a) while they are exposed for sale in a market or while they are awaiting removal after being exposed for sale there; or
- (b) which are being kept temporarily in a market (without being exposed for sale there) pending completion of their inland transit in Great Britain.

### **Unfit horses and mares likely to give birth**

5.—(1) No person shall permit an unfit horse to be exposed for sale in a market.

(2) No person shall permit a mare to be exposed for sale in a market if it is likely to give birth while it is there.

### **Protection of horses from injury or unnecessary suffering**

6.—(1) No person shall cause or permit any injury or unnecessary suffering to a horse in a market.

(2) Without prejudice to the generality of paragraph (1) above, it shall be the duty of any person in charge of a horse in a market to ensure that the horse is not, or is not likely to be, caused injury or unnecessary suffering by reason of—

- (a) the horse being exposed to the weather;
- (b) inadequate ventilation being available for the horse;

- (c) the horse being hit or prodded by any instrument or other thing;
- (d) the horse being tethered in an unsuitable manner; or
- (e) any other cause.

#### **Restrictions on the sale of foals**

7.—(1) No person shall bring or cause to be brought to a market a foal unless it is at the foot of its dam.

(2) No person shall expose for sale separately a foal which has been brought to a market at the foot of its dam.

(3) No person shall separate a foal from its dam while—

- (a) they are awaiting removal from the market after being exposed for sale; or
- (b) they are being kept in a market (without being exposed for sale there) pending completion of their inland transit in Great Britain.

#### **Handling of horses**

8. No person shall handle a horse in a market by—

- (a) lifting it off the ground; or
- (b) dragging it along the ground,

by the head, neck, ear, leg or tail.

#### **Control of horses**

9.—(1) No person shall use excessive force to control any horse in a market.

(2) No person shall use in a market—

- (a) any instrument which is capable of inflicting an electric shock to control any horse; or
- (b) any stick, crop, whip, goad or other instrument or thing to hit or prod any horse.

(3) No person shall drive, ride or lead any horse over any ground or floor, the nature or condition of which is likely to cause the horse to slip or fall.

#### **Obstruction and annoyance of horses**

10.—(1) No person shall knowingly obstruct any horse which is being driven or led through any part of a market.

(2) No person shall wantonly or unreasonably annoy any horse in a market.

#### **Penning and separation of horses**

11.—(1) It shall be the duty of a market operator to ensure that no horse is kept in a pen which is unsuitable for the size of that horse.

(2) Without prejudice to the generality of paragraph (1) above, it shall be the duty of a market operator or other person for the time being in charge of any horse to ensure that, within the market—

- (a) when horses are penned—
  - (i) they are kept in separate pens from animals of another species;
  - (ii) they are distributed within the pens, having regard to differences in age and size, so as to avoid unnecessary suffering to them;

- (iii) any fractious horse is kept in a separate pen from other horses; and
- (iv) they are not kept in pens which are overcrowded;
- (b) adequate provision is made to prevent horses—
  - (i) escaping from the market, and
  - (ii) coming into contact with any aggressive or fractious animals in the market;
- (c) a horse of one of the following descriptions is not kept in the same undivided pen as any other horse—
  - (i) a stallion;
  - (ii) a cryptorchid or rig;
  - (iii) a mare heavily in foal;
  - (iv) a mare with foal at foot; or
  - (v) a horse whose hind feet are shod;
- (d) an unsecured horse is not kept in the same undivided pen as any horse which is secured;
- (e) a horse which is not penned shall be—
  - (i) effectively separated from any other horse or other animal, and
  - (ii) secured by the head (except where it has not been halter broken) unless it is being driven, ridden or led.
- (3) Notwithstanding the provisions of paragraph (2) above—
  - (a) a horse may be accompanied in the same undivided pen by an animal of any species which is its stable companion;
  - (b) a mare with its foal at foot may be kept together in the same undivided pen; and
  - (c) subject to sub-paragraph 2(c)(v) above, shod horses may be kept in the same undivided pen if all the horses which are so kept are secured by the head and effectively separated one from another.
- (4) For the purposes of paragraph (2) above, a “fractious horse” and a “fractious animal” is a horse or other animal which is likely to cause injury to other horses or animals.

### **Feeding and watering of horses**

**12.**—(1) It shall be the duty of the person in charge of a horse to ensure that the horse is provided with an adequate quantity of wholesome water as often as is necessary to prevent it suffering from thirst.

(2) It shall be the duty of the owner (or his duly authorised agent) of a horse which is kept in a market from one day to the next to ensure that the horse is provided with and has easy access to an adequate quantity of suitable food which shall be provided in hay-nets, racks or troughs and an adequate quantity of wholesome water which shall be provided in suitable receptacles—

- (a) before 9 p.m. on the day on which the horse arrives at the market or, if it arrives at the market after 9 p.m., immediately on its arrival there; and
- (b) thereafter at least once in each complete period of 12 hours (calculated from 9 p.m. on the day of its arrival at the market) during which the horse is kept in the market.

(3) In paragraph (2) above, “suitable food” means food which is wholesome and palatable to the horse.

### **Provision of lighting and bedding**

13. It shall be duty of a market operator or other person for the time being in charge of any horse to ensure that—

- (a) adequate lighting is available to enable horses kept in the market to be inspected and to be fed and watered; and
- (b) an adequate supply of suitable bedding is provided for any foal at all times and for any other horse which is kept in a market from one day to the next.

### **Restrictions on keeping clipped horses in markets**

14. No person shall keep or cause to be kept in a market a horse which as a result of being clipped, is insufficiently protected against the weather by its natural coat unless it is kept in covered accommodation or provided with suitable protective clothing.

### **Duties of market authorities**

15. It shall be the duty of a market authority to ensure that—

- (a) all passageways and sale rings in the market and all pens in which horses are kept are—
  - (i) constructed and maintained in a manner which is not likely to cause injury or unnecessary suffering to horses; and
  - (ii) free from any sharp edges or projections with which horses may come into contact;
- (b) an adequate supply of wholesome water is available for horses;
- (c) any fixed ramps used for the loading or unloading of horses into or out of vehicles have—
  - (i) anti-slip surfaces; and
  - (ii) side railings or some other means of protection designed and constructed so as to prevent a horse from falling off them;
- (d) adequate facilities in the form of troughs, buckets, drinking bowls or other drinking devices are available for watering horses; and
- (e) any covered accommodation in the market in which horses are kept is capable of being adequately ventilated.

### **Accommodation for unfit horses**

16. It shall be the duty of a market operator to ensure that—

- (a) suitable pens are available in which any unfit horses may be separated from other animals; and
- (b) any such pen in which an unfit horse is being kept is clearly marked so as to show that it is being used for this purpose and that entry to the pen is prohibited unless under the authority of an inspector.

### **Detention and treatment of unfit horses**

17.—(1) Where an inspector has reasonable grounds for supposing that any horse in a market is unfit he may move it, or cause it to be moved, to a pen provided in the market for the accommodation of unfit horses or to any other suitable place in the market and require the market operator to detain the horse there pending its examination by a veterinary inspector.

(2) Where a veterinary inspector is of the opinion that any horse in a market is unfit, he may treat it, or cause it to be treated, and take, or cause to be taken, any other steps that he considers

necessary to protect it from suffering, and he may for any such purpose require the market operator to detain the horse in a pen or at a place mentioned in paragraph (1) above for as long as he considers necessary for the purpose of further treatment or otherwise protecting it from suffering.

(3) Where a horse is being detained in pursuance of paragraph (1) or (2) above no person shall move it from its place of detention except with the approval of a veterinary inspector and in accordance with any conditions subject to which the approval is given.

(4) No person shall enter a pen in which any unfit horse is being kept unless authorised to do so by an inspector.

(5) A market operator shall—

- (a) render such reasonable assistance to an inspector as he may require for the purpose of facilitating the exercise of his powers under paragraph (1) or (2) above; and
- (b) give to an inspector such information as he possesses as to the ownership of any horse in respect of which any such power is exercised.

(6) The amount of any expenses reasonably incurred by a veterinary inspector in treating, or causing to be treated, an unfit horse in exercise of the power conferred on him by paragraph (2) above shall be recoverable by the appropriate Minister as a civil debt from the owner of the horse in respect of which the power was exercised.

(7) In this article “unfit” includes likely to give birth.

### **Marking of horses**

**18.** An inspector may, for the purposes of this Order, mark, or cause to be marked, any horse.

### **Offences**

**19.** Any person who, without lawful authority or excuse, proof of which shall lie on him—

- (a) defaces, obliterates or removes any mark applied to a horse in pursuance of article 18; or
- (b) contravenes any provision of this Order; or
- (c) fails to comply with any such provision or with any conditions of an approval given under article 17(3); or
- (d) knowingly causes or permits any such contravention or non-compliance,

commits an offence against the Act.

### **Local authority to enforce Order**

**20.** The provisions of this Order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

27th December 1990.

In witness whereof the Official Seal of the  
Minister of Agriculture, Fisheries and Food is  
hereunto affixed on

*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

27th December 1990

*Strathclyde*  
Parliamentary Under Secretary of State, Scottish  
Office

21st December 1990

*David Hunt*  
Secretary of State for Wales

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision for the welfare of horses in markets. In a market it is an offence to permit an unfit horse to be exposed for sale (article 5), to cause or permit any injury or unnecessary suffering to a horse (article 6), to bring or cause to be brought there a foal unless it is at the foot of the dam or to expose it for sale separately (article 7), to handle horses in a particular way (article 8), to use excessive force to control any horse (the use of sticks, crops, whips, goads or certain other instruments is also prohibited) (article 9), knowingly to obstruct a horse or wantonly annoy it (article 10) or to keep there any horse which by reason of being clipped is insufficiently protected (article 14).

The market operator must ensure that horses are properly penned (article 11) and that there is accommodation for unfit horses (article 16). It is the duty of the market operator or the person in charge of a horse to properly separate it from other animals and certain descriptions of horse (article 11) and to ensure that the horse is adequately provided with lighting and bedding. Duties are placed on the owner (or his duly authorised agent) or the person in charge of a horse to ensure that it is adequately fed and watered (article 12). It is the duty of the market authority to ensure that passageways and sale rings are constructed and maintained in a certain manner and that ramps for loading and unloading horses and covered accommodation are of a certain type and to provide certain facilities (article 15) including the supply of wholesome water and drinking devices.

The Order also makes provision for the detention and treatment of unfit horses (article 17), for an inspector to mark, or cause to be marked, an animal for identification purposes (article 18) and for offences (article 19).