

### The welfare of horses at markets etc

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#### This guidance is for England

The Welfare of Horses at Markets (and Other Places of Sale) Order 1990 makes it an offence to commit certain acts in relation to horses at markets and other places of sale. 'Horses' includes ponies, asses (donkeys), hinnies and mules.

'Market' is defined in the Order as "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".

These include the following:

- allowing unfit horses, or horses that are likely to give birth, into a market to be sold
- to cause or permit any injury or unnecessary suffering to a horse
- failure to ensure that horses are accommodated, handled and treated appropriately
- bringing foals under four months to a market without their dam and selling a foal without their dam.

All horses must be sold with a valid identity document or passport (both generally referred to as a 'passport') and be microchipped.

## **Unfit horses**

No person may permit an unfit horse to be exposed for sale in a market, or permit a mare to be exposed for sale in a market if it is likely to give birth while it is there.

'Unfit' is defined in the Order as including "infirm, diseased, ill, injured and fatigued".

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

No person may cause or permit any injury or unnecessary suffering to a horse in a market.

It is the duty of any person in charge of a horse in a market to ensure that horses are not, or not likely to be, caused suffering by any of the following:

- exposure to the weather
- inadequate ventilation being available
- being hit or prodded by any instruments etc
- being tethered in an unsuitable manner
- any other cause

## **Sale of foals (animals under the age of four months)**

- no foal may be brought to a market unless it is at the foot of its dam
- no foal may be sold or offered for sale separately to its dam
- no person may separate a foal from its dam while awaiting sale at the market, or awaiting collection after sale
- foals must always have access to an adequate and suitable supply of bedding whilst at the market

## **Clipped horses**

No person may keep any clipped horse at the market that, 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 equipment.

## **Handling of horses**

No person may handle a horse in a market by either:

- lifting it off the ground  
... or
- dragging it along the ground by the head, neck, ear, leg or tail

No person may obstruct or annoy any horse.

## **Control of horses**

No person may use excessive force to control any horse in a market, nor any instrument that is capable of inflicting an electric shock, to control any horse, or use any stick, crop, whip, goad or other instrument etc to hit or prod any horse.

No person may drive, ride or lead any horse over any ground or floor that is likely to cause the horse to slip or fall.

## **Penning of horses**

- horses must be penned separately from other species
- no horse may be kept in a pen that is unsuitable for its size
- horses must be penned having regard to their size and age if penned with others
- tethered and untethered animals must not be kept in the same pens
- pens must not be overcrowded
- horses must not be able to escape

The following animals must be penned separately from other horses:

- fractious animals
- stallions or rigs
- mares heavily in foal and mares with foals at foot
- horses whose hind feet are shod

There are exemptions from these restrictions. The following may be kept in the same undivided pen:

- animals of any species that are stable companions
- a mare with its foal at foot
- a group of horses with shod hind feet, when secured by the head through a safe means such as a halter

## **Feeding and watering of horses**

It is the duty of the person in charge of a horse, whilst at a market, 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.

The owner (or their duly authorised agent) of a horse that is kept in a market for more than one day must ensure that it is provided with and has easy access to adequate feed and water in suitable receptacles. In particular, feed and water must be provided before 21:00 on the day the horse arrives at the market. If it arrives at the market after 21:00, feed and water must be provided immediately on arrival. Feed and water must then be provided at least once in each complete period of 12 hours that the horse is kept in the market; this is calculated from 21:00 on the day of arrival.

Horses being kept at the market for more than one day must also have access to an adequate supply of suitable bedding.

## **Transport of horses to and from sale**

The Welfare of Animals (Transport) (England) Order 2006 and EU Regulation (EC) 1/2005 *on the protection of animals during transport and related operations* may apply to the transport of your horse to and from the sale. More information is available in 'Transporting horses by road'.

## **Horse passports**

Under EU Regulation (EU) 2015/262 *laying down rules pursuant to Directives 90/427/EEC and 2009/156/EC as regards the methods for the identification of equidae (Equine Passport Regulation)* no person may sell a horse without a passport. On the sale of a horse, the seller must give the passport to the buyer; at auction sales the seller must give the passport to the auctioneer who then must give the passport to the buyer. The buyer must register the new ownership within 30 days.

Passports must be applied for within six months of birth or by 30 November of the calendar year in which the horse is born, whichever is later. A foal not yet meeting these time limits may be moved at the foot of its dam without a passport and may therefore be sold without a passport; however, auctioneers may require a passport to meet their own conditions so you should check before moving your horses to an auction.

See 'Horse passports' for more information.

## **Food chain information**

It is necessary for anyone sending an equine for slaughter for human consumption to provide a food chain information (FCI) document to the slaughterhouse operator. This requirement helps to prevent equines that have been treated with a veterinary medicinal product from entering the food chain.

See 'Food chain information' for more information on the FCI declaration.

## **Animal Welfare Act 2006**

### **Prevention of harm**

It is an offence to cause a horse any unnecessary suffering, either by acting in a manner that causes the animal suffering or by failing to act, which causes suffering. This includes where somebody knew, or ought reasonably to have known, that the act, or failure to act, would have that effect or be likely to do so.

### **Duty of care**

A person must take such steps as are reasonable in all the circumstances to ensure the needs of a horse for which they are responsible are met to the extent required by good practice.

A horse's needs include:

- a suitable environment
- a suitable diet
- being able to exhibit normal behaviour patterns
- being housed with or apart from other animals
- protection from pain, suffering, injury and disease

## Penalties

Failure to comply with trading standards law can lead to enforcement action and to sanctions, which may include a fine and/or imprisonment. For more information please see 'Trading standards: powers, enforcement & penalties'.

## Key legislation

Animal Health Act 1981

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

EU Regulation (EC) No 853/2004 *laying down specific hygiene rules for food of animal origin*

EU Regulation (EC) 1/2005 *on the protection of animals during transport and related operations*

Animal Welfare Act 2006

Welfare of Animals (Transport) (England) Regulations 2006

EU Regulation (EU) 2015/262 *laying down rules pursuant to Directives 90/427/EEC and 2009/156/EC as regards the methods for the identification of equidae (Equine Passport Regulation)*

Equine Identification (England) Regulations 2018

Last reviewed / updated: March 2020

## In this update

No major changes

## Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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