

CONTROL OF HORSES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 5– Disposal of impounded horses

11. **Section 5** provides powers for the local authority to sell or otherwise dispose of the horse, including arranging for its destruction. Destruction will be carried out in as humane a manner as possible. This section applies subject to section 7 (Resolution of disputes about amounts payable).
12. The provisions in this section will apply if after the period of 7 days beginning either on the date that a notice is placed under section 3(1) or given under subsection (4), no person has notified the local authority that they are either the owner of the horse or acting on behalf of the owner of the horse. Section 5 will also apply subject to section 7, if the owner has contacted the local authority but has either not complied with section 4(1) or has been given notice under section 4(3) about their liability for costs and has not paid those costs 7 days from receiving that notice.
13. The local authority may also recover any costs it may incur in relation to any arrangements for the disposal or destruction of the horse under this section. This section also provides that where there are no proceeds arising from the disposal of the horse, the local authority may seek to obtain its costs of disposal from the owner. Where there are proceeds arising from the disposal of the horse, but the costs incurred by the local authority exceeds the amount of those proceeds, the owner is liable to pay the local authority the amount of that excess.
14. The local authority must give notice to the owner of the amount it considers the owner is liable to pay in connection with the disposal of the horse with an explanation of how the amount has been determined.
15. In that notice the local authority must also advise the owner that they have a right to refer a dispute to the Welsh Ministers, as to the costs claimed by the local authority and how to exercise that right.
16. This section also provides that the local authority is required to pay the owner of the horse any proceeds arising from the disposal of the horse where the proceeds exceed the amount of the costs incurred by the local authority; but if a local authority has previously made a payment to a person it reasonably believes to be the owner it is not required to repay any other person.