

LEGAL CAN YARD OWNER TAKE UNCARED FOR HORSES?

Q *A woman at my yard keeps her horses stabled 24/7 knee-deep in muck. She is in debt, but there's no actual contract in place. Can the yard owner keep the horses until the debt is settled, or sell the horses on to recover her costs?*



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In the absence of a livery agreement there is no automatic right to claim the horses or legally speaking no 'right of lien'. Even had there been an agreement in place, a lien would not automatically enable the yard owner to sell the horses without taking the case through the courts and proving breach of contract. It would simply allow the horses to be retained until payment is made but would only be in force while the horses remained on the yard. If the owner removed them from the yard, the lien would no longer be enforceable.



A livery agreement, signed by both parties, will help avoid disagreements

If the yard owner were to sell the horses without following the correct procedure through the courts, she could be exposing herself to criminal charges including theft. English law does not transfer ownership merely because someone falls behind on payments. There should always be an agreement in place including the 'power of sale' before such steps are taken. In the absence of any agreement the yard owner is limited in what she legally can do.

The RSPCA could of course be alerted

to the condition the horses are kept in - yard owners have duty to ensure that the animals on their property are being cared for properly. The Animal Welfare Act says that owners are legally obliged to care for their horses properly.

The RSPCA can serve an improvement notice on the owner advising of the improvements that must be made in relation to the care that the horse is receiving. If said notice is not complied with within the relevant time period action may be taken.