

Eastern Daily Press

EQ

EQUESTRIAN LIFE

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FINE & COUNTRY
Equestrian

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A photograph of a rider in a blue jacket and helmet jumping a chestnut horse over a fence. The horse is in mid-air, and the rider is leaning forward. The background is a blurred outdoor setting with trees and a fence.

ZARA PHILLIPS

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If you have a question or
dilemma over the legalities
involving any equestrian
issue, which you would like
to appear in this magazine,
please contact Philippa by
e-mailing
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We have recently bought a horse for our daughter. We are new to the world of horses and I have a number of concerns. The horse is kept in a paddock which is near a busy road. The paddock is fairly well fenced, but I am concerned that the horse may escape onto the road and cause an accident. If this happened, would we be liable?

The relevant law is contained in the Animals Act 1971. In a case with far reaching consequences (*Mirvahedy v Henley*), horses escaped from a field onto the road late at night causing a serious traffic accident. They were acknowledged to have been 'spooked' by a cause unknown.

It was found that the horse owners were in no way negligent but they were, however, held to be liable under section 2(2) of the Animals Act. Which means that the owners were held to be liable for the damage caused by their runaway horses – and that owners will be held to have liability when the animals' behaviour is in no way abnormal for a horse in those circumstances.

This case certainly set a precedent and it has led to insurance premium increases for horse owners.

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NOTE: These questions and answers are not intended as a complete statement of the law. Specific legal advice should always be taken.

See Philippa's Brief-Case column every month in the Eastern Daily Press residential property supplement, which is published every Friday.

This sounds so unfair. So, regardless of how careful a horse owner has been, he or she could still be liable for any damage caused by their horse. Surely this should be changed?

DEFRA has published proposals for consultation, which would amend the Animals Act 1971 (section 2(2)) to clarify owners' liability should their animals, including horses, cause damage.

The law in its current form lacks clarity and means that animal keepers face the prospect of being held strictly liable for damage or injury regardless of any actions they may have taken to prevent an incident from occurring.

Prior to this case owners could rely on taking due care of their animals with good stable practice and management to avoid the accusation of negligence.

This is no longer a defence and the owner/keeper is liable regardless.

So what can we do to prevent a huge claim if our horse does cause damage or injury?

You should make sure you have third party liability insurance cover, if nothing else.



SHOUT ALL ABOUT IT!

Have you got a story you'd like to tell, or do you have a burning equestrian question that you'd like answered? If so, EQ wants to hear from you.

Each issue we will be bringing you the latest reports and stories from around the region, but we also hope that you will share your own stories and pictures with us. Whatever your horse or pony, little or large, and whatever the issue, we're happy to consider your points of view for publication. We'd also like to see what's going on, so please send us your pictures; whether it's a quirky shot, winning at a top event or just a heart-warming image, we'd love to share the best of them with EQ readers.

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