

Advice on Stallions on Land with Equestrian Access in England and Wales

The law and management of public access rights vary widely between the four countries of the United Kingdom. This advice note is written for England and Wales and although elements of the advice may be applicable in Scotland and Northern Ireland this cannot be assumed.

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This advice note is directed at the keeping of stallions or other entire equines on land crossed by public bridleways, byways or unfenced roads (collectively 'highways') or commons with equestrian access. For simplicity the term stallion is used to include an entire of any equine species; equestrian includes anyone riding, driving or leading a horse. The problems which can arise apply equally to stallions in fields and unenclosed land and their owners should be aware of the danger their stallions may pose to users of that land.

Stallions, as with entires of any species (such as bulls, rams and ganders), can behave aggressively at certain times and amorously at others, both with potential for causing distress or danger to humans or other animals present. Such behaviour can also pose a risk to the stallion from the reaction of another animal.

Where stallions are kept in fields crossed by rights of way with equestrian rights (bridleway, restricted byway or byway, unclassified road), the risk posed by their behaviour can be increased by the presence of ridden or driven horses on the right of way. If the highway is unfenced, there is nothing to prevent a stallion from approaching the passing horses and attacking or attempting to mount or recruit mares.

This can be extremely dangerous for a equestrian, whose horse may try to defend itself, shy, or bolt, or be driven against a wall, tree or other obstacle. Even experienced equestrians may have difficulty in dealing with such situations, while children, the elderly and other vulnerable users are at a grave disadvantage. Several instances have occurred where injury has resulted to either horse or equestrian or both. The situation for a driven horse and its driver is as serious, even though less common because there are fewer of them but incidents have occurred on wide grassy byways which are ideal for carriage-drivers but are grazed by tethered stallions..

Legislation restricts keeping certain breeds of bull in fields crossed by rights of way (Section 59, Wildlife and Countryside Act 1981). There is no equivalent legislation for stallions but the danger to passing horses on the public right of way is the same, if not worse, as from bulls.

If an animal (that is not of a dangerous species) acts in such a way as to cause injury or damage to humans or their property it is then known to have this potential. If the act is repeated, the keeper of that animal may be liable under the Animal Act 1971 for the damage or injury caused. Some cases have resulted in the award of high sums to persons injured.

It is hoped that owners of stallions will appreciate that their entires can cause distress, damage and sometimes lifelong disablement by their behaviour. An owner of a stallion must be aware that such behaviour is likely to occur if horses are ridden or driven through a field in which a stallion is kept and should give consideration to avoiding the stallion being in a field with an equestrian right of way.

Action has been taken against the owner of a stallion endangering use of a public right of way. A bridleway had been denied to riders for many years because of the presence of a stallion in a field crossed by the bridleway. The District Council took action against the stallion owner under the Environmental Protection Act 1990 which resolved the situation within a week and opened the bridleway.

If you have a mare and are aware of stallions turned out in or adjacent to fields with equestrian access you use, you are urged to be very alert for your mare being in season and to avoid routes near stallions at this time. Even a stallion in an adjacent field to a mare in season may be sufficient to create a dangerous situation.

The BHS strongly recommends that owners of stallions do not keep their stallions in fields crossed by bridleways or byways.

For any incident involving a stallion on a right of way, please report on on www.BHS.org.uk/horseaccidents as well as the actions above.

IMPORTANT This guidance is general and does not aim to cover every variation in circumstances. The Society recommends seeking advice specific to a site where it is being relied upon.