

The law and management of public access rights vary widely between the four countries of the United Kingdom. Practical elements of the following advice apply in all of them but the legal requirements in Scotland and Northern Ireland may differ from those in England and Wales.

More advice is available on www.bhs.org.uk/accessadvice.

IMPORTANT This guidance is general and does not aim to cover every variation in circumstances. Where it is being relied upon, The Society strongly recommends seeking its advice specific to the site.

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; and 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 on land crossed by rights of way with equestrian rights (bridleway, restricted byway or byway, road), the risk posed by their behaviour can be increased by the presence of ridden or driven horses on the right of way. A stallion may approach the passing horses and attack or attempt 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 penned against a wall, tree or other obstacle. Even experienced equestrians may have difficulty in dealing with such situations, while children and other vulnerable users are at a grave disadvantage. Several instances have occurred where injury has resulted to 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. Even if a stallion is separated from passing horses by a fence, it may cause nuisance to users of the right of way by aggressive behaviour alongside.

The Wildlife and Countryside Act 1981 Section 59 restricts keeping certain breeds of bull in fields crossed by rights of way. There is no equivalent legislation for stallions but the

risk to passing horses and equestrians on the public right of way is potentially worse than 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 potentially cause distress, damage, nuisance and life-changing injuries by their behaviour and should give consideration to avoiding the stallion being in a field with an equestrian right of way through it or adjacent to it.

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 risky situation.

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

Open land

Where a stallion is kept with mares in a herd on open land with equestrian access, it is likely that the breed's character is of low risk and there is plenty of space for equestrians to give the herd a wide berth and for the herd to feel unthreatened. The New Forest and Dartmoor both have a long tradition of roaming semi-wild herds of native ponies and incidents between stallions and ridden or driven horses are extremely rare.

There is a trend towards small herds of ponies with a stallion (at times) on land other than the New Forest and Dartmoor, to increase biodiversity of the land and encourage certain ecology through the grazing habits of the ponies. Equestrians may not expect, as they would in the traditional areas, to meet stallions in this environment so it may be prudent to erect notices at entries to the land, informing the public of the presence of the stallion in a breeding herd and advising that deviation from the track or path to give the herd space is permitted. How much space to suggest is the stallion owner's decision based on their knowledge of the horse.

For any incident involving a stallion on a right of way or other land with equestrian access, please report on on www.bhs.org.uk/horseincidents.

If this is a saved or printed copy, please check www.bhs.org.uk/accessadvice for the latest version (date top of page 2).