businesscompanion
trading standards law explained

Welfare of horses at markets etc

In the guide

Unfit horses
Protection of horses from injury or unnecessary suffering
Sale of foals (animals under the age of four months)
Clipped horses
Handling of horses
Control of horses
Penning of horses
Feeding and watering of horses
Transport of horses to and from sale
Horse passports
Food chain information
Animal Health and Welfare (Scotland) Act 2006
    Prevention of harm
    Duty of care
Trading Standards
In this update
Key legislation

Although the United Kingdom left the European Union (EU) in 2021, certain pieces of legislation (known as 'assimilated law') continue to apply until such time as they are replaced by new UK legislation, revoked or permitted to expire. This means that our guidance still contains references to legislation that originated from the EU.

This guidance is for Scotland

The Welfare of Horses at Markets (and Other Places of Sale) Order 1990 makes it an offence to commit certain acts in relation to horses at markets and other places of sale. 'Horses' includes ponies, asses (donkeys), hinnies and mules.

'Market' is defined in the Order as "a market place, sale-yard, fairground, highway or any other premises or place to which horses are brought from other places and exposed for sale and includes any lairage adjoining a market and used in connection with it and any place adjoining a market used as a parking area by visitors to the market for parking vehicles".

These include the following:

- allow unfit horses, or horses that are likely to give birth, into a market to be sold
- cause or permit any injury or unnecessary suffering to a horse
- fail to ensure that horses are accommodated, handled and treated appropriately
- bringing foals under four months to a market without their dam
- selling a foal without its dam

All horses should be sold with a valid passport and be microchipped.

Unfit horses

No person may permit an unfit horse, which includes a pony, ass, donkey or mule, to be exposed for sale in a market, or permit a mare to be exposed for sale in a market if it is likely to give birth while it is there.

'Unfit' is defined in the Order as including: "infirm, diseased, ill, injured and fatigued".

Protection of horses from injury or unnecessary suffering

No person may cause or permit any injury or unnecessary suffering to a horse in a market.

It is the duty of any person in charge of a horse in a market to ensure that horses are not, or not likely to be, caused suffering by any of the following:

- exposure to the weather
- inadequate ventilation being available
- being hit or prodded by any instruments etc
- being tethered in an unsuitable manner
- any other cause

Sale of foals (animals under the age of four months)

- no foal may be brought to a market unless it is at the foot of its dam
- no foal may be sold or offered for sale separately to its dam
- no person may separate a foal from its dam while awaiting sale at the market or awaiting collection after sale
- foals must always have access to an adequate and suitable supply of bedding whilst at the market

Clipped horses

No person may keep any clipped horse at the market that, as a result of being clipped, is insufficiently protected against the weather by its natural coat, unless it is kept in covered accommodation or provided with suitable protective equipment.

Handling of horses

No person may handle a horse in a market by either:

- lifting it off the ground

or
- dragging it along the ground by the head, neck, ear, leg or tail

No person may obstruct or annoy any horse.

Control of horses

No person may use:

- excessive force to control any horse
- any instrument that is capable of inflicting an electric shock to control any horse
- any stick, crop, whip, goad or other instrument etc to hit or prod any horse

No person may drive, ride or lead any horse over any ground or floor that is likely to cause the horse to slip or fall.

Penning of horses

- horses must be penned separately from other species
- no horse may be kept in a pen that is unsuitable for its size
- horses must be penned having regard to their size and age if penned with others
- tethered and untethered animals must not be kept in the same pens
- pens must not be overcrowded
- horses must not be able to escape

The following animals must be penned separately from other horses:

- fractious animals
- stallions or rigs
- mares heavily in foal and mares with foals at foot
- horses whose hind feet are shod

There are exemptions from these restrictions. The following may be kept in the same undivided pen:

- animals of any species that are stable companions
- a mare with its foal at foot
- a group of horses with shod hind feet, when secured by the head through a safe means such as a halter

Feeding and watering of horses

It is the duty of the person in charge of a horse, whilst at a market, to ensure that the horse is provided with an adequate quantity of wholesome water as often as is necessary to prevent it suffering from thirst.

The owner (or their duly authorised agent) of a horse that is kept in a market for more than one day must ensure that it is provided with and has easy access to adequate feed and water in suitable receptacles. In particular, feed and water must be provided before 21:00 on the day the horse arrives at the market. If it arrives at the market after 21:00, feed and water must be provided immediately on arrival. Feed and water must then be provided at least once in each complete period of 12 hours that the horse is kept in the market; this is calculated from 21:00 on the day of arrival.

Horses being kept at the market for more than one day must also have access to an adequate supply of

suitable bedding.

Transport of horses to and from sale

The Welfare of Animals (Transport) (Scotland) Order 2006 and assimilated Regulation (EC) No 1/2005 *on the protection of animals during transport and related operations* may apply to the transport of your horse to and from the sale. More information is available in 'Transporting animals by road' and 'Welfare of animals during transport'.

Horse passports

Under assimilated Regulation (EU) 2015/262 *laying down rules pursuant to Directives 90/427/EEC and 2009/156/EC as regards the methods for the identification of equidae (Equine Passport Regulation)* a keeper of a horse must ensure that it has a passport. On the sale of a horse, the seller should give the passport to the buyer; at auction sales the seller should give the passport to the auctioneer who should then give the passport to the buyer. The buyer must register the new ownership within 30 days.

Passports must be applied for at least 30 days before the required time limits for passports to be issued. The time limit for passports to be issued is 31 December of the year of the horse's birth or end of the month that is six months after its birth, whichever is the later.

A foal not yet meeting these time limits may be moved at the foot of its dam without a passport. Auctioneers may require a passport to meet their own conditions, so you should check before moving your horses to an auction.

As well as having a passport, all horses must be microchipped.

See 'Horse passports' for more information.

Food chain information

It is necessary for anyone sending an equine for slaughter for human consumption to provide a food chain information (FCI) document to the slaughterhouse operator. This requirement helps to prevent equines that have been treated with a veterinary medicinal product from entering the food chain.

See 'Food chain information' for more information on the FCI declaration.

Animal Health and Welfare (Scotland) Act 2006

Prevention of harm

It is an offence to cause a horse any unnecessary suffering, either by acting in a manner that causes the animal suffering or by failing to act, which causes suffering. This includes where somebody knew, or ought reasonably to have known, that the act, or failure to act, would have that effect or be likely to do so.

Duty of care

A person must take such steps as are reasonable in all the circumstances to ensure the needs of a horse for which they are responsible are met to the extent required by good practice.

A horse's needs include:

- a suitable environment
- a suitable diet
- being able to exhibit normal behaviour patterns
- being housed with or apart from other animals
- protection from pain, suffering, injury and disease

Trading Standards

For more information on the work of Trading Standards services - and the possible consequences of not abiding by the law - please see 'Trading Standards: powers, enforcement and penalties'.

In this update

No major changes.

Last reviewed / updated: September 2024

Key legislation

- Animal Health Act 1981
- Welfare of Horses at Markets (and Other Places of Sale) Order 1990
- assimilated Regulation (EC) No 853/2004 *laying down specific hygiene rules for food of animal origin*
- assimilated Regulation (EC) No 1/2005 *on the protection of animals during transport and related operations*
- Animal Health and Welfare (Scotland) Act 2006
- Welfare of Animals (Transport) (Scotland) Regulations 2006
- assimilated Regulation (EU) 2015/262 *laying down rules pursuant to Directives 90/427/EEC and 2009/156/EC as regards the methods for the identification of equidae (Equine Passport Regulation)*
- Equine Animal (Identification) (Scotland) Regulations 2019

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

© 2026 Chartered Trading Standards Institute

Source URL:
https://businesscompanion.owastaging.co.uk/en/quick-guides/animals-and-agriculture/welfare-of-horses-at-markets-etc-s