



ST DAVID'S EQUINE NEWSLETTER

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NEW SUPPLEMENT IN THE FIGHT AGAINST SWEET ITCH

There is a new treatment available which claims to promote healthy skin in horses prone to allergies when out at grass. Fidavet Cavalesse is made by Janssen Animal Health and is a natural food supplement containing high concentrations of water-soluble nicotinamide. Nicotinamide works in a number of ways to minimise and moderate the extent of the inflammatory reaction seen in horses with summer skin allergy. It also helps to improve the condition of the skin. Janssen's trial results have ranged from a complete absence of symptoms in normally allergic horses or a marked reduction in symptoms to failure to show any response.

Cavalesse comes as an oral solution or a topical gel. The oral solution comes in sachets and is made up with water. The appropriate dose (2-3ml) is put on a sugar cube or other absorbent treat and fed directly to the horse or pony to ensure they get the full and correct amount. The topical gel can be applied to the skin as appropriate.

Janssen recommend Cavalesse is used from as early in the allergy season as possible right through to when any risk has passed. It must be given every 24 hours at around the same time. As a practice we have no experience with Cavalesse as yet but are excited that a novel approach is available to help treat this debilitating condition. There are no known side effects of nicotinamide and we envisage Cavalesse becoming an important part of skin allergy management.

NEW STUD VET AT ST DAVID'S

We are pleased to welcome Ali O'Brien back to the practice. Ali will be leading the development of the reproductive side of the equine practice. Ali has considerable experience in all aspects of stud medicine and will offer a range of stud services through the practice. If you would like to talk about any aspect of equine reproduction please feel free to give Ali a call. Services available will be AI with chilled or frozen semen, embryo transfer, semen collection and assessment and stallion assessment. We are also pleased to be associated with Newhall Equestrian Centre where we are developing an AI centre.

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Q: When is a horse like a washing machine?

A: When the Sale of Goods Act applies.

Jill Headford, Litigation and Equine Law Partner with West Country law firm Tozers looks at the legal issues around buying horses

You have bought a horse which has failed to live up to expectations. What can you do about it?

Dealer or private seller?

The first question is whether you bought from a dealer or a private seller. The term “dealer” is probably wider than you think. It could apply to anyone selling even a single horse if they have a horse related business. They don’t necessarily have to be an actual horse dealer in the traditional sense. So, if in doubt, take legal advice on this preliminary point.

All sellers are taken to warrant that they do actually own the horse they are selling. Apart from that, a private seller’s only obligation is not to mislead you. But a dealer is deemed to give certain very important warranties.

Dealers and the Sale of Goods Act

Under the Sale of Goods Act, a dealer *automatically* warrants that the goods are:

- Of satisfactory quality
- Fit for the buyer’s purpose (if it was made known)
- As described by the seller

These warranties apply to a horse just as they would to a washing machine or any other “goods”. Fine for machines but what about horses?

- In the case of horses, *satisfactory quality* probably involves good general health, soundness in heart, eyes, wind and limb, freedom from vices and blemishes, safeness to ride and handle and general freedom from defects which you would not normally expect in a horse of that type and age etc.
- *Fitness for purpose* may have a different requirements depending on the purpose. For example, a horse required for

show jumping may need to have a higher level of soundness but purely cosmetic blemishes may be irrelevant whereas a horse wanted for professional showing may need to be blemish and vice free.

- Compliance with *description* is more straightforward.

So a dealer may be in breach of one warranty but not the others, or in breach of all. If any one of the warranties is breached, the buyer has a potential claim.

Examination and vetting

Most horses are tried out and many are vetted before purchase. The statutory warranty of *satisfactory quality* does not apply to shortcomings *either* drawn to your attention *or* which you or your vet ought to have discovered on examination. This will not apply if a defect was deliberately concealed. The warranties of fitness for purpose and correspondence with description, in contrast, cannot be avoided simply by drawing the defects to the buyer’s attention or insisting on examination by the buyer or a vet. But the seller may still be able to argue that the buyer did not rely on his or her skill or knowledge.

Even private sellers will be held to what they say

Even private sellers have to be circumspect about what they actually say and what they put in an advert. Both the business and private sellers will be held to any statements they actually make about the horse in an advert, personally or through a third party. Any false statement (however innocent) by the seller which encourages the buyer to buy is a misrepresentation which can give grounds for a refund of the price and additional damages. Silence is not a misrepresentation and there is no positive duty to disclose faults *provided* you don’t mislead or conceal defects. But if you do say something, e.g. that the horse is sound, which becomes untrue before the deal is done you must tell the buyer.

Sending the horse back

Breach of warranty or misrepresentation generally entitles you to reject the horse and get your money back. Once you are aware of the defect, you can lose the right to reject by doing things to the horse or doing things with it which indicate that you are treating it as yours or simply by delaying returning it. But very often the seller won't take the horse back and unless you have paid over £5000 and the horse is worth little or nothing, it may not be worth taking a claim to court unless you have Legal Expenses Insurance (check your house policy).

An experienced equine lawyer will be able to advise on your options.

Some precautions for sellers

- Choose your words carefully when describing the horse and stick to words which cannot easily be misunderstood or which are vague or open to interpretation (by lawyers later).
- Word you advert extra cautiously or it may come back to haunt you. Use factual statements like "has hunted for two seasons" rather than qualitative ones like "good hunter".
- Be accurate about experience, age and breeding—don't guess or pass on unverified assurances given to you when you bought the horse.
- Avoid saying that the horse will be suitable for the buyer's stated purpose (although business sellers impliedly warrant this).
- If the horse has blemishes or vices which you think are obvious anyway or are happy to draw to the buyer's attention, do so. Likewise, if it is unsuitable for a particular discipline (mad out hunting or too spooky to hack on the road) it may be better to say so.

- Offer facilities for inspection and ask the buyer to examine and try the horse.
- Allow vetting, always by the buyer's vet not yours, especially if you have described the horse as sound.
- Consider allowing a trial period if you are confident that the horse will be well cared for.

Tips for buyers

- Keep the advert.
- Take someone with you when you try the horse and make a note of everything the seller tells you.
- Give the horse a test in everything you want him to do—hack alone or in traffic, leave his friends, gallop with others, jump, be caught, tacked up, loaded in a trailer—the lot. Don't assume anything.
- Arrange a 5 stage vetting (it will be money well spent) and make sure you use a really good horse vet. Tell him precisely what you want the horse for. Ask him to take and keep bloods, just in case they are needed later.
- Try to have the horse on trial if possible.
- Get out and do whatever it is you bought the horse for as soon as you can (fitness permitting).
- If you have problems with the horse tell the seller immediately and keep a copy.
- Keep a diary of the problems and ask your vet to keep a careful note as well.
- If you want to send the horse back, so as early as possible.
- And if you want a trouble free life, take up tennis instead!



SPONSORED RIDER UPDATE HELEN WEST



Having survived the winter, March seemed to be upon us rather quickly. During the winter months, I had concentrated on improving Edward's dressage, since this had proved his weakest of the 3 phases last season. I had lessons on him every fortnight with Alice Peternell, who comes down from South Gloucester, affiliated with British Dressage and went out and did some proper dressage competitions! He actually did quite well and managed to notch up a few points in not many outings. He even qualified for the Elementary Regionals, much to my surprise! However, I was careful not to get lulled into a false sense of security as I knew all too well that it would be a different kettle of fish when his feet hit the turf, and he could hear the cross country commentary at his spring horse trials.

I had a new head girl start for me at the end of February called Beccy, who is just fabulous and a huge asset to the yard. Edward, however, blotted his copybook by bucking when she was turning him out after just 3 weeks of starting with me, and catching her square on the arm, which he very unhelpfully broke! Poor Beccy was mortified and has been in plaster for 9 weeks. Frustrated does not even go there. Anyway, I am pleased to report that the wretched plaster finally came off this Wednesday and she is free at last! Plenty of moisturiser needed on that arm!

My first event of the season was Aldon, my first event of the season for more years than I care to remember! Edward worked in for the dressage resembling a Jack Russell on Pro Plus but managed to keep a lid on it throughout the test. We lowered 1 show jump and flew round the cross country to finish in a respectable 11th place.

Pierre also ran at Aldon contesting his last Pre Novice and finished 6th with a double clear, so I felt confident heading off to his first Novice at Gatcombe the following week.

Two days after Aldon we went to Moreton in Dorset with two 5yr olds doing their first event. It was a perfect course for their first outing and they both did really well with Coco finishing 3rd and Spooks 8th.

At Gatcombe Pierre coped very well with his first Novice with a double clear, finishing 8th. We had a slightly amusing moment in the dressage when he rooted at C in front of the judge, and refused to rein back. It was a good lesson in not becoming complacent for me. I always assume that I will know the dressage test, as I have ridden them quite a few times before, so tend to just look it up once I am at the event. On this occasion I discovered slightly too late that they had brought in some new tests for 2009, this being one of them, which included 5 steps of rein back, which I had failed to teach poor Pierre! Our crash course in the lorry park proved futile and I was left smiling rather apologetically at the judge whilst trying desperately to get him to go back even one step!

Brandy did know how to rein back thankfully, and scored very well in the dressage following it up with a double clear, finishing 2nd. We were delighted with him.

It was my birthday a couple of days after Gatcombe so we had organised a night out the next weekend as I had misinformed everyone that I did not have an event that weekend. As it turned out, I had two to ride at Belmont, not far from Bristol on the Saturday. My times could not have been later if they tried. The table was booked for 8pm and I was not due to ride my second cross country until nearly 6pm, so I warned everyone I could be rather late. Fortunately, I was able to go slightly earlier in both the show jumping and cross country phases on Coco and Bounty, had a clear run back down the M5 and managed to make it into Torquay (make up and hair not exactly looking as good as I would have liked) shortly after 8.30! Better still the two horses were placed 8th & 6th respectively, so not a bad weekend. Did not feel too great Sunday morning though!

Two days later we were off to Portman in Dorset with Brandy, Bounty & Spooks. God horses are a leveller! Brandy was a pro and did a cracking double clear coming 2nd in the Open Novice. The two 5yr olds were determined to make me work somewhat harder though! Spooks did a

cracking dressage, had just one show jump down, but cross country we had some steering issues. The first half dozen fences were along the hedge line of the same field that the lorries were parked in, and Spooks thought it really would be a better idea to head back to his haynet! I felt so pathetic, merrily cantering past the third fence with both hands hauling on the right rein, Spooks not even looking at the fence! Once we got out of the first field, we did manage to agree which direction we should be going in, but work definitely needed on right turns, and perhaps a different bit? Watch this space and let us hope we do not resort to our left drift when we go, rather green, to our next competition.

Bounty rather embarrassingly stopped at the first cross country fence, then proceeded to jump around beautifully. Baby horse, rider asleep?!

I was really looking forward to Powderham, and anxious that Pierre & Edward went well there with it being such a local event, and also one of the nicest on the calendar. Edward ran in the Intermediate on Saturday and began well with his best dressage this season, which I was chuffed about. The show jumping was up to height and quite atmospheric, being situated amongst the trade stands in front of the castle. I had 2 poles down, which I was a little disappointed with as he jumped the majority of it beautifully but spooked at the start gates coming around the corner to a related line, so we did not have the best approach as he was arguing with me 5 strides out! He flew around the cross country, which is a lovely up to height track, and he made it feel effortless. Our homework will be focused more on show jumping than dressage now. Why is it so hard to get all 3 phases right on the same day?!

I rode Pierre there on Sunday in his second Novice, which would be quite an ask for him, as it would certainly be the biggest track he would have seen. He began well, by leading the dressage, which I was thrilled with, and then jumped a beautiful double clear to win. I was over the moon with him as he tried really hard, and felt as though he was with me every inch of the way. He covered himself in glory... Sorry mud, the following day out in the field, looking very superior and pleased with himself.

The 5yr olds headed to Bovington next, which was a super event for them, with very educational tracks, and the show jumping on a surface, which always makes things easier. Coco went beautifully in the dressage and scored a 26, had a double clear and finished 2nd, which was great. Roan was having her first outing of the season and did a 33 dressage and double clear, so I was very pleased with her too.

It has been particularly rewarding for me with the two mares, as they were bought for me by Jonathan Cuming as unbroken 3yr olds from Cavan Sales in Ireland, and I backed them and produced them from scratch. Roan went to the Burghley Young Event Horse Finals with me as a 4yr old last season, and also came 4th at the British Breeding Championships at Tweseldown last October. She has moved up a level this season as a 5yr old and just makes the fences seem so easy, as does Coco. I really am very excited about both of these for the future.

Talking of the future, my two homebreds are 3 this year, so I am very much looking forward to breaking them later this year. I am really pleased with the way they are looking, they certainly seem to look as though they could do the business. Obviously, it is a very long way to go, but again, something I find hugely rewarding being able to start them from scratch. Huge thanks go to Tony Kaye, who was responsible for both of their conceptions (well not personally, obviously!) as he artificially inseminated their mums!

Once again, St David's have played a vital role in my horses coming out looking so fit and healthy this season, and indeed keeping them that way. Huge thanks to all concerned.

Helen West, May 2009