

ABOUT THIS WORK

This work is part of the Lifescape Project's [Rewilding Law Innovation Lab](#), through which we share practical learning from working with projects on the ground to overcome potential legal barriers or maximise positive legal impact for rewilding. We want other organisations and rewilding practitioners to adapt and reuse it, so the impact of our legal innovation is upscaled. We work to identify opportunities for wider legal and policy reform that could better support rewilding at scale. Our aim is not only to help projects navigate existing systems, but to help shape legal systems better equipped for the environmental challenges of the future.

Rewilding needs law that can keep up – find out about our [Rewilding Law Innovation Lab](#) on our [website](#).

AT A GLANCE

What is the issue? We are exploring the possibility for carcasses of large herbivores used in UK rewilding projects to be left where the animal dies, so that they can provide ecological benefits as they decay. Under the current rules (which are designed for a completely different scenario, that of farmed livestock entering the food chain), carcasses of kept large herbivores generally have to be collected wherever they are found and then disposed of.

Why does it matter? For large rewilding sites where large herbivores are living and dying, a carcass left to decay has the potential to bring significant ecological benefits. The carcass supports natural processes that are otherwise rare in more intensively managed landscapes, feeding scavengers and invertebrates whilst returning nutrients to the soil, and providing a vital contribution to increased biodiversity and healthy ecosystems.

What are we working on? Working with the [Large Herbivore Working Group](#), we are thinking creatively about how to develop a project within the current legal framework which allows us to explore the ecological benefits and health implications of leaving carcasses. We have considered how novel approaches like 'regulatory sandboxes', which disapply rules for a set period of time and are often used in financial regulation, could be utilised. We are also exploring the use of existing exceptions to the rules (which are narrow and were not drafted with rewilding and nature restoration in mind) as well as the use of additional exceptions which are already applied in EU countries (where the underlying legal framework is the same).



THE CURRENT POSITION

Large herbivores such as cattle and horses are often central to rewilding projects in the UK with their grazing habits being vitally important to many functioning ecosystems. These domestic animals are being used as ecological proxies for their now extinct wild ancestors.

The rules on leaving carcasses of large herbivores are commonly known as the 'fallen stock' rules, which are governed by a mix of retained EU law and UK legislation.¹ These rules, which are mainly concerned with public health, currently treat all domesticated large herbivores as livestock, including those which are living wild or semi-wild in nature, roaming in very large areas, and which are being used for nature restoration rather than as a food source for humans.

This means that such animals are subject to the same rules that apply to intensively farmed livestock. The result is that, when a large herbivore such as a horse, cow or European bison dies on site, its carcass must be identified, collected and disposed of "without undue delay", wherever on the site it happens to have died. This contrasts with the position for wild animals, whose carcasses can generally be left to decay in the wild.

In addition to limiting the ecological benefits of leaving carcasses in place (discussed in more detail below), the fallen stock rules create practical challenges. On large rewilding sites with difficult terrain, removing carcasses can involve sending tractors or other heavy vehicles onto sensitive habitats. It may also simply not be possible to locate a carcass before it has already begun to decompose. For some species of large herbivores used on rewilding sites, such as European bison, a carcass may be too large to move safely until it has decayed significantly. There are therefore significant difficulties for large rewilding sites in complying with the fallen stock rules (which is recognised within the regulatory regime as exceptions exist which allows farmers not to comply with the rules where the carcass is in certain remote areas, and/or is difficult to access, provided authorisation is obtained).

The ecological potential

Leaving carcasses can have many ecological benefits, as shown by [Circle of Life](#), a project led jointly by the NGOs Rewilding Europe and ARK Nature looking into the benefits of leaving carcasses. The project has run pilots in the Netherlands, Belgium and Germany and their results are summarised in their report '[Circle of Life: A new way to support Europe's scavengers](#)'.

The Large Herbivore Working Group (LHWG), a group of experts whose aim is to advance the return of large grazing and browsing animals to aid in the restoration of natural processes to the UK, has also produced an [information guide](#) on carcasses which includes information on their ecological benefits.

THE BENEFITS OF LEAVING CARCASSES

- **Food source:** carcasses of large herbivores are a food source for multiple different animals including insects (which are in turn a valuable food source for predatory insects, birds, mammals, reptiles and amphibians)² and scavenger birds, such as white-tailed eagles.³
- **Soil enrichment:** Large herbivore carcasses return nutrients like phosphorus, nitrogen, and calcium to the soil, which would otherwise be lost.⁴ More plants grow, which in turn supports herbivorous insects and their predators: carcasses have a significant impact on the entire local food chain.⁵
- **Natural animal behaviours:** Leaving carcasses in place supports natural animal behaviours such as mourning when an animal dies, which promotes more natural social dynamics.⁶

If carcasses of large herbivores used in large nature restoration projects (which do not enter the food chain) could be left on site in the same way that the carcasses of wild animals are, this could contribute to restoring the UK's depleted ecosystems and meeting the UK's international and national biodiversity targets.

The legal potential

Despite all of these ecological benefits, the existing fallen stock rules do not permit leaving carcasses of domestic large herbivores where they fall in large rewilding sites. However, there is potential for the law to allow for carcasses to be treated as far as possible in the same way that carcasses of wild animals. We are working with the LHWG to advocate for legal reform in this area which would allow evidence-gathering on the ecological benefits and health implications of leaving carcasses on site in the UK.⁷

Applying exceptions to the fallen stock rules

Exceptions to the fallen stock rules could be used in novel ways to permit leaving carcasses in the UK. There are existing exceptions to the fallen stock rules in UK legislation, and some EU countries (where the basic legal regime is similar) have authorised additional exceptions. For example in Spain there are protected zones where domestic animal carcasses can be left, and feeding stations are used to feed carcasses to scavengers.

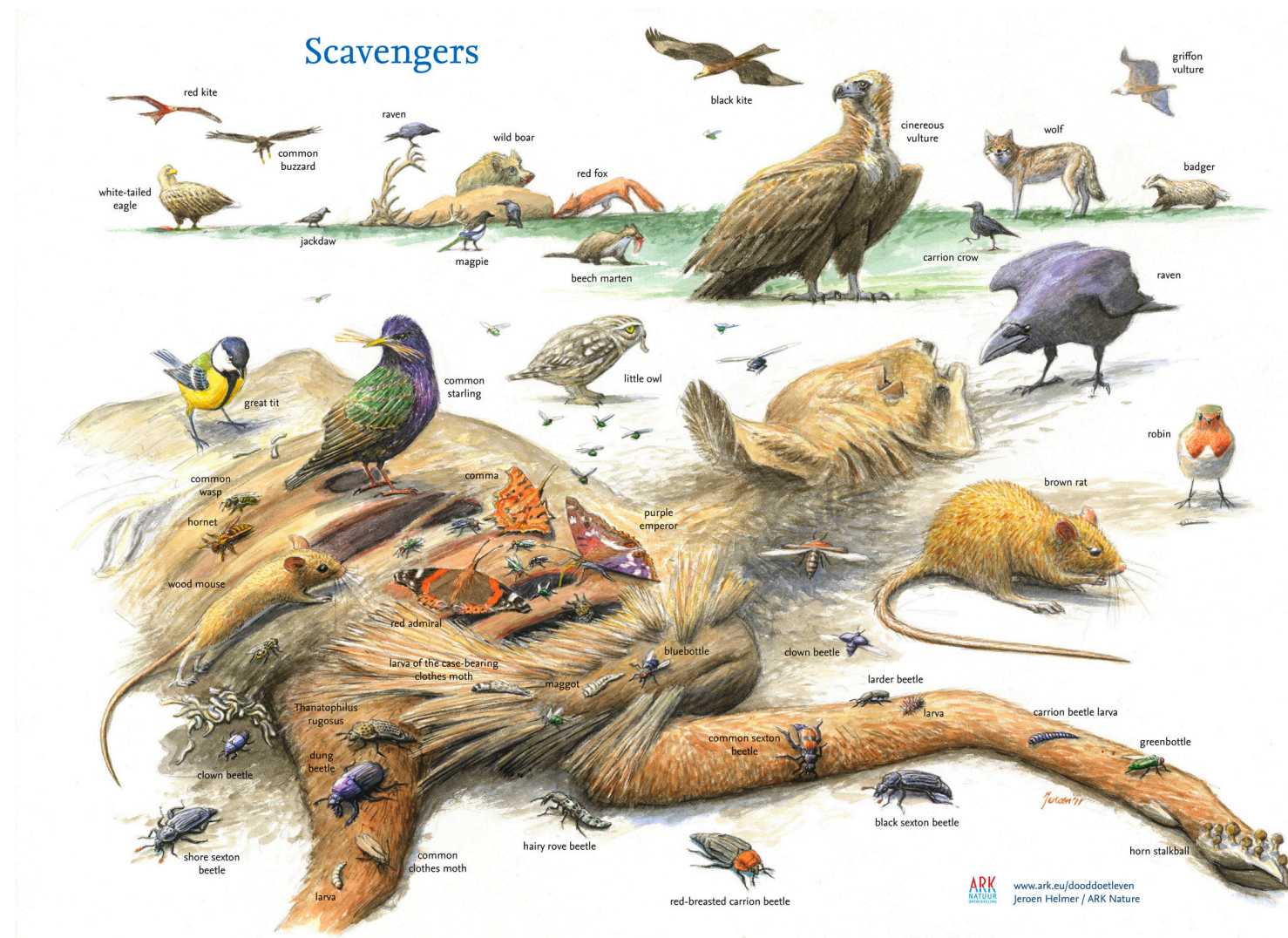
The existing and potential exceptions we are considering include:

- an exception which permits the use of animal carcasses in research projects;
- exceptions which allow for feeding of carcasses to wild animals;
- exceptions which apply where carcasses are in remote and/or hard-to-access areas;
- an exception permitting an authorisation procedure for alternative methods for the use or disposal of animal carcasses.

Although these exceptions were not drafted with rewilding and nature restoration in mind, and they are narrowly drafted, we see potential to use one or more of them for a pilot project to demonstrate the ecological benefits of leaving carcasses.

Any project would need to ensure that health and disease risks around leaving carcasses are appropriately managed.

We anticipate that disease risks are lower for large nature recovery projects where animals are living at much lower densities than farmed animals with minimal human contact, but there are legitimate concerns and this is a pivotal factor for us to bear in mind when preparing our project. The health implications of leaving carcasses would be an important aspect of the research.



Using a regulatory sandbox

In addition to exploring innovative uses of existing exemptions, we are considering how a research project could use novel approaches to overcome the restrictions in the fallen stock rules on leaving carcasses.

We are investigating whether it would be possible to work with government agencies to develop a 'regulatory sandbox'.

This approach is often used by firms in the financial sector who want to test novel approaches within a controlled environment: the regulator agrees to disapply certain regulations in certain situations, for a specific period of time.

We are considering how and whether this could be used to disapply enforcement of the fallen stock rules for a specific project.

"Kept-wild" category

There is growing interest in a new "kept wild" category of animals, which would sit in between domesticated and wild animals, and which would apply to large herbivores used in rewilding sites.⁸

There is precedent for this: in the Netherlands, a similar category applies to horses and cattle in certain natural sites, and the fallen stock rules do not apply because animals from these areas are not allowed to enter the food chain, and can therefore remain in nature after their death.⁹ In the UK, the Chillingham Cattle in Northumberland are exempted from many rules including the fallen stock rules, because these animals are never touched by humans or treated by vets, and their meat does not enter the food chain.¹⁰

If this category were to be introduced, similarly to the Netherlands, the fallen stock rules could be applied differently in recognition that these animals are in large sites, with minimal human contact, and their meat is not used as a human food source.



What we have done so far

We have been working closely with the LHWG to develop our proposed project. We have mapped the legal framework on the fallen stock rules, identifying which derogations under the fallen stock rules are already authorised in the UK and which are authorised in EU countries, and which could support a pilot project. We have considered how a regulatory sandbox approach could work.

We have been speaking to farmers, many of whom are very interested in identifying a safe and legal way to leave carcasses.

As part of this, we have spoken to a number of sites in locations across the UK who are interested in being involved in this project, subject to it being feasible under the regulations.

We are engaging with the relevant teams at the Department for Environment, Food & Rural Affairs (Defra) and the Animal and Plant Health Agency (APHA) on the potential routes to using a regulatory sandbox approach or applying an exception for our research project.

GET IN TOUCH

We work with rewilding and nature-recovery projects on exactly these kinds of legal barriers.

If you keep horses for nature recovery, or are thinking about it, and want to talk through how the law could be used more creatively, or where there's scope for reform, please get in touch with the team at The Lifescape Project:

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THE PATH AHEAD

Given the ambition of what we are trying to achieve, and the legitimate concerns about disease risk associated with carcasses, we anticipate that these discussions will be ongoing for some time. They will also require detailed scientific and veterinary input, working alongside academic partners and other relevant authorities, reflecting the requirements for a sound evidence base.

Once we have identified a suitable legal path, we will work with the LHWG to identify an appropriate site and develop a research project, to investigate the ecological benefits and health implications of leaving large herbivore carcasses on this site. We will engage with other relevant stakeholders for views and input at all relevant times.

REFERENCES	
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