

Straying Animals - Your rights as a land owner

Under the Animals Act 1971, you have certain rights to seize and detail any livestock such as sheep, goats, pigs, cattle or horses that enter your land, and to claim for any damages that they do.



If animals are straying onto your land, the easiest option is to contact the owner of the animal(s) and ask them to collect them.

Information on who owns livestock can often be obtained from local farmers (even if it isn't their animal(s)), and the Animal Health section of Monmouthshire County Council (which also covers Torfaen) may also be able to identify and contact the owner if you can provide them with the animals ear-tag number (tel 01633 644644).

The law and the rights conferred on you as a land-owner are quoted overleaf, but your rights can be summarised as follows:-

Where livestock strays onto land in the ownership of another person, the landowner can

- Detain the livestock whilst ownership of the straying animals is being established (but see below) and reclaim any reasonable costs of doing so,
- Claim the costs of any damage, and
- Sell the animal at a market or public auction after 14 days, unless steps are being taken by the owner of the livestock to pay any money owed etc



Where livestock is being detained under this Act, the land-owner **MUST**, within 48 hours

- Inform the officer in charge of the local Police Station that the livestock is being retained, and
- Inform the owner of the livestock, if known

If you are looking to detain livestock and/or claim the costs of any damage, we would always advise that you seek legal advice first.

For further information on the law, please see overleaf

The Animals Act 1971

4 Liability for damage and expenses due to trespassing livestock

- (1) Where livestock belonging to any person strays on to land in the ownership or occupation of another and—
 - (a) damage is done by the livestock to the land or to any property on it which is in the ownership or possession of the other person; or
 - (b) any expenses are reasonably incurred by that other person in keeping the livestock while it cannot be restored to the person to whom it belongs or while it is detained in pursuance of section 7 of this Act, or in ascertaining to whom it belongs;
the person to whom the livestock belongs is liable for the damage or expenses, except as otherwise provided by this Act.
- (2) For the purposes of this section any livestock belongs to the person in whose possession it is.

7 Detention and sale of trespassing livestock

- (1) The right to seize and detain any animal by way of distress damage feasant is hereby abolished.
- (2) Where any livestock strays on to any land and is not then under the control of any person the occupier of the land may detain it, subject to subsection (3) of this section, unless ordered to return it by a court.
- (3) Where any livestock is detained in pursuance of this section the right to detain it ceases—
 - (a) at the end of a period of forty-eight hours, unless within that period notice of the detention has been given to the officer in charge of a police station and also, if the person detaining the livestock knows to whom it belongs, to that person; or
 - (b) when such amount is tendered to the person detaining the livestock as is sufficient to satisfy any claim he may have under section 4 of this Act in respect of the livestock; or
 - (c) if he has no such claim, when the livestock is claimed by a person entitled to its possession.
- (4) Where livestock has been detained in pursuance of this section for a period of not less than fourteen days the person detaining it may sell it at a market or by public auction, unless proceedings are then pending for the return of the livestock or for any claim under section 4 of this Act in respect of it.
- (5) Where any livestock is sold in the exercise of the right conferred by this section and the proceeds of the sale, less the costs thereof and any costs incurred in connection with it, exceed the amount of any claim under section 4 of this Act which the vendor had in respect of the livestock, the excess shall be recoverable from him by the person who would be entitled to the possession of the livestock but for the sale.
- (6) A person detaining any livestock in pursuance of this section is liable for any damage caused to it by a failure to treat it with reasonable care and supply it with adequate food and water while it is so detained.
- (7) References in this section to a claim under section 4 of this Act in respect of any livestock do not include any claim under that section for damage done by or expenses incurred in respect of the livestock before the straying in connection with which it is detained under this section.

Further details can be obtained on the Office of Public Information website at

http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1971/cukpga_19710022_en_1#pb1-l1g4