

Cattle and public access in England and Wales

HSE information sheet

Agriculture Information Sheet No 17EW

Introduction

The Countryside and Rights of Way Act 2000 (CROW) gave the public the right to walk on mapped access land (mountain, moor, heath, down and registered common land) in addition to pre-existing rights to use public rights of way. Open access or access along specified routes is also permitted on other land, some of it in public ownership. This land may also be crossed by public rights of way.

Throughout this information sheet, 'fields with public access' means fields where the public have a statutory right of access or have been given permission by the landowner. It does not include fields which the public access without permission, or without a statutory right.

This sheet describes the major potential hazards to workers or to members of the public associated with keeping cattle, including bulls (uncastrated bovine animals of 10 months or over), in fields where the public has access in England and Wales. It suggests reasonably practicable ways of controlling those hazards for walkers, but land managers should also consider risks to other rights of way users such as horse riders and cyclists. It does not provide advice on housing bulls or other cattle, nor on safe handling.

Specific information on the responsibilities of the public exercising their right of access can be found in 'Further reading'.

Background

Between April 1996 and March 2006, 46 incidents involving cattle and members of the public were investigated by HSE across Britain. Seven resulted in death. Almost all these incidents were in fields and enclosed areas. Many other incidents are not reported to, nor investigated by, HSE. The two most common factors in these incidents are cows with calves and walkers with dogs.

All large animals are potentially dangerous. Farmers try to ensure that the cattle they own or breed from are of

a normally quiet temperament. However, when under stress, eg because of the weather, illness, unusual disturbance, or when maternal instincts are aroused, even normally placid cattle can become aggressive. Even gentle knocks from cattle can result in people being injured. All breeds should be treated with respect.

The law

- Section 59 of the Wildlife and Countryside Act 1981 bans bulls of recognised dairy breeds (eg Ayrshire, Friesian, Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry) in all circumstances from being at large in fields crossed by public rights of way. Bulls of all other breeds are also banned from such fields unless accompanied by cows or heifers, but there are no specific prohibitions on other cattle. 'Fields' in this legislation does not include areas such as open fell or moorland.
- Section 3 of the Health and Safety at Work etc Act 1974 requires employers and the self-employed to ensure, so far as is reasonably practicable, that they do not put other people, eg members of the public, at risk by their work activities. This applies to keeping bulls or other cattle in fields.
- The Management of Health and Safety at Work Regulations 1999 require that employers and the self-employed assess the risks from their work activities to which employees or others are exposed. This assessment should identify the measures employers, or the self-employed, need to take to comply with health and safety legislation.

Civil law may also apply and legal advice may be necessary to ensure compliance, eg:

- The Occupiers Liability Acts 1957 and 1984 require land managers to show a reasonable duty of care towards other people.
- The Animals Act 1971 makes the keeper of an animal 'strictly liable' in most cases for injuries caused by their stock.

Plan and take action

When considering where to keep animals you should take into account the amount and type of public access in different areas of the land you manage (eg large groups of walkers with dogs every day, groups of children, or infrequent lone walkers). This will help you decide whether the cattle should be kept in certain areas and what precautions you need to take.

Before you put any cattle, including bulls, in fields with public access:

- assess whether the bull or animals in the herd are generally placid and well-behaved;
- if possible use fields or areas not used by the public when cattle are calving or have calves at foot, especially during periods of greater public use, eg school holidays;
- assess whether calves kept with the herd will affect the behaviour of older cattle;
- consider whether it is reasonably practicable to temporarily fence alongside a public right of way so that the cattle and people are kept separate. Take care not to obstruct rights of way by fencing across them;
- an alternative route can be offered or provided, but bear in mind that even if you do decide to provide an alternative route, the public will still be entitled to use the right of way;
- plan the location of handling and feeding areas away from public rights of way to reduce the possibility of stock congregating around the route;
- where the landowner and the cattle owner are not the same person there may be some joint responsibility and it is the duty of both parties to agree a course of action;
- on land to which CROW applies, it may be possible under some circumstances to restrict access to avoid danger to the public, although public rights of way still remain usable (see 'Further information');
- consider providing signposted paths, especially on CROW land, to draw most public access along routes which are best integrated with livestock management.

If you have an animal known or suspected to be aggressive then you should not keep it in a field that is used by the public. If you have to do so then you will need to take extra precautions to protect the public. Consider whether you should dispose of aggressive animals.

Precautions to minimise the risk to the public

- Wherever possible keep cattle in fields that do not have public access, especially when cattle are calving or have calves at foot.
- Check that fences, gates, stiles etc are safe and fit for their purpose.
- Check paths are clearly marked so that users do not enter fields without public access.
- Make arrangements for checking both the cattle (for illness or other possible causes of aggression) and the fences etc surrounding the field regularly – at least once each day.
- Plan how to safely move individual cattle, the whole herd, or part of it, from field to field. Remember that inadequately controlled cattle on roads can cause public concern, damage or injury.
- Ensure cattle handling facilities are available, and that you can safely move animals to them.
- If bulls are on hire, lease, or loan, or if other cattle are new to the farm, check that they are suitable to keep in an area used by the public before putting them in such an area. A few days in another field or in a stock building, where they can be closely and regularly observed, should be enough.

Precautions if you graze dairy bulls or entire male cattle for bull beef

- Never keep them in fields with public rights of way, statutory or other permitted access. **Remember, it is against the law to keep a recognised dairy bull in a field crossed by a public right of way.**
- In other fields make sure that groups of animals older than 10 months are securely enclosed by stock-proof hedging or fencing at least 1.3 m high, strong enough to retain the animals and capable of restricting access to children. Erecting an electric fence 0.5 m inside the external perimeter hedge or fence will provide a greater degree of security.
- Fit gates or other means of closure at points of entry into the fields containing the cattle. Gates etc should be at least of equal height and strength as the perimeter fencing, restrict the access of young children and be fitted with a securing device which will prevent release by children and the animals. They can also be kept locked as they will not be sited on public rights of way.

Signs

Even though you should have made every effort not to keep aggressive, or potentially aggressive, animals in a field or area with public access, it is good practice to display signs informing the public when a bull, or calves with cows, are in the area.

- Consider putting a sign at any gate, stile or other access points to a field or open area such as fell, hill or moorland if there is a bull, or cows with calves, at large there.
- Safety signs should conform to British Standard 5499, or European equivalents, and where appropriate the Health and Safety (Safety Signs and Signals) Regulations 1996.
- A suitable bull sign would be triangular with a yellow background and a black band around the outside. A bull or bull's head should be shown (black on yellow) on the sign, with supplementary text (also black on yellow) such as 'bull in field' if desired. Supplementary text should not suggest that the bull is aggressive, threatening or dangerous (ie avoid words such as 'beware' or 'danger').
- Signs alerting the public to the presence of other cattle, including cows with calves, should be informative and based on guidance from the Countryside Agency or the Countryside Council for Wales. The use of symbols will help children, and those unable to read, to be aware of the risks.
- Signs should not be displayed, or should be securely covered, when the animals to which they refer are not present in the field or area. Misleading signs which deter the public from exercising their right of responsible access are likely to be regarded as obstruction and should never be used.
- Electrified stock fencing used near to public rights of way will also require warning signs located at suitable intervals along its length – generally 50 to 100 m apart.

Further reading

The following publications are available free from the Countryside Agency at www.countryside.gov.uk:

- 1 *Managing public access: A guide for land managers* Booklet CA 210 The Countryside Agency 2005
- 2 *Signs on access land in England: Guidance for land managers* Leaflet CA 182 The Countryside Agency 2004

3 *You and your dog in the countryside* Leaflet CA 205 The Countryside Agency/The Kennel Club/English Nature 2005

4 *Out in the country: Where you can go and what you can do* Booklet CA 9 The Countryside Agency 2002

5 *The Countryside Code* Leaflet CC 1b The Countryside Agency 2004

Further information on countryside access in Wales is available from the Countryside Council for Wales (CCW) at www.ccw.gov.uk or Tel: 0845 130 6229.

Further information

HSE priced and free publications are available by mail order from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA Tel: 01787 881165 Fax: 01787 313995 Website: www.hsebooks.co.uk (HSE priced publications are also available from bookshops and free leaflets can be downloaded from HSE's website: www.hse.gov.uk.)

For information about health and safety ring HSE's Infoline Tel: 0845 345 0055 Fax: 0845 408 9566 Textphone: 0845 408 9577 e-mail: hse.infoline@natbrit.com or write to HSE Information Services, Caerphilly Business Park, Caerphilly CF83 3GG.

For advice and information on restriction of access to CROW land contact the Open Access Contact Centre (Tel: 0845 100 3298) for England, and for Wales call the CCW enquiry line (Tel: 0845 130 6229).

This document contains notes on good practice which are not compulsory but which you may find helpful in considering what you need to do.

This document is available web only at www.hse.gov.uk/pubns/ais17ew.pdf

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