

Dogs on Public Rights of Way

Guidance Notes

Many public rights of way pass over farm land including pasture land used for grazing of livestock. Many farmers are wary of dogs and do not like to see access for them encouraged; understandably this is particularly true of livestock farmers. Although legislation does not require that dogs be on a lead whilst on a public right of way, you must ensure that you have proper control of your dog at all times. You should ensure that the dog stays close where you can see it and not let it roam so far away that it cannot hear or chooses to ignore your commands.

THE LEGAL POSITION

A dog is generally regarded as a "usual accompaniment" on a public right of way. The dog is not, however entitled to roam away from the path and if it does so, the owner could be guilty of committing trespass against the landowner.

The Dogs (Protection of Livestock) Act 1953 makes it a specific offence to allow a dog to be at large in a field or enclosure where there are sheep. Furthermore this Act entitles a farmer to shoot a dog which is caught "worrying" (i.e. chasing or attacking) sheep. It is therefore advisable to keep your dog on a lead if you are walking near livestock.

STILES

The County Council often receives complaints from dog walkers that they are unable to use a path because they are unable to get their dogs over stiles.

The Highways Act makes provision for landowners to fit stiles and gates on rights of way in the interests of containing livestock.

On a public footpath, a landowner

has a duty to provide access for walkers only; he does not have to take account of dogs. It is quite likely that a stile that is lamb proof is also dog proof.

In some areas, dog friendly stiles may have been fitted either by the landowner or by the Council or volunteers acting on their behalf. However, this is not common practice as the landowner has to be in agreement and also because of the additional cost involved in providing this type of furniture.

If you wish to take your dog with you, it is advisable to check out the proposed route before hand, to ensure that it is suitable. On no account must you damage any fencing or hedge adjacent to a stile in order to get your dog through as this could amount to an offence of criminal damage.

RESPONSIBLE DOG OWNERSHIP

One of the main complaints that landowners make with regard to the public using the paths on their land is that people allow their dogs to foul and do not pick up after them.

Not only is this very unpleasant, but diseases can be transmitted to livestock, other dogs and humans.

The Dogs (Fouling of Land) Act 1996 allows local authorities to designate most public land as areas where it is illegal to allow your dog to foul without cleaning up after it. If found guilty of an offence, you could be fined up to £1000.00 Although this legislation does not cover agricultural land, the County Council would strongly advise that this responsible behaviour is adopted whilst using the public right of way network.

Remember worm eggs in the dog faeces can cause health

problems. It is advisable for all owners to worm their dogs regularly as well as picking up and disposing of their faeces.

ACCESS TO OPEN COUNTRY – RIGHT TO ROAM

The Countryside and Rights of Way Act 2000 (CROW), provides for areas of mapped access land where the public will be entitled, possibly under restrictions, to enter for recreational purposes. Restrictions on dogs may be applied in these areas. Certain bodies such as The National Trust have statutory powers to make bylaws regulating activity on land they own, including access for dogs. You would be advised to enquire with the relevant body before visiting with dogs.

IDENTIFICATION – Don't forget that under The Control of Dogs Order 1992, whilst in a public place, dogs must wear a collar with an identification tag bearing the owner's name and address. This would apply whilst walking on a public right of way.

Please remember that by acting as a responsible dog owner you may prevent an unnecessary altercation with a landowner.

For further information contact the Countryside Access Team, Shropshire County Council, The Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND.