

Cattle and public access in Scotland

Advice for farmers, landowners and other livestock keepers

HSE information sheet

Agriculture Information Sheet No 17S(rev1)

Introduction

This sheet describes the major hazards to members of the public associated with keeping cattle, including bulls (uncastrated bovine animals of 10 months or over) and newly calved cows, where the public have access to land in Scotland. It suggests reasonably practicable ways of controlling those hazards for walkers. Land managers should also consider risks to other users of public access routes, such as horse riders and cyclists. It does not provide advice on housing bulls or other cattle, nor on safe handling

The Land Reform (Scotland) Act 2003 created the right of 'responsible public access' to most land and inland water in Scotland. The right of responsible access can be exercised on and off paths, on open and enclosed land. Public rights of way continue to exist and a system of 'core paths' is being developed by local authorities that will need to be treated in the same manner as rights of way.

Throughout this information sheet, 'public access route' means a public right of way, core path or other well-used route. 'Fields' includes fields and enclosures.

The responsibilities of land managers and members of the public are explained in detail in the Scottish Outdoor Access Code.

Background

HSE regularly investigates incidents involving cattle and members of the public in Scotland. Some of these result in death or serious injuries. Almost all of these incidents are in fields and enclosed areas. Many other incidents occur but are not reported to or 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. You should try to ensure that the cattle you 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.

Members of the public, including walkers and children, may not understand that cattle with calves at foot can present a risk due to protective maternal instincts, especially when a dog is present. When you are considering where to keep livestock you should take into account that members of the public are unlikely to be aware of the behavioural characteristics of cattle. You should also consider 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. You cannot use the presence of an animal, eg a bull, to deter walkers from accessing a core path or public footpath.

The Scottish Outdoor Access Code advises the public to be aware of potentially dangerous farm animals, to keep a safe distance if passing through an area with livestock and to consider using an alternative route. The Code advises people not to take dogs into fields where there are young animals present.

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

- Bulls of recognised dairy breeds (eg Ayrshire, Friesian, Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry) are in all circumstances banned from being at large in fields or enclosures crossed by public rights of way. Do not keep them in fields with public rights of way, statutory or other types of permitted access including core paths. Deliberately placing an animal or animals known to be aggressive in order to deter access is likely to be regarded as obstruction and the local authority could take action.
- If you are considering putting a bull of any other breed in a field to which the public have access you should carefully consider the animal's temperament and behaviour and monitor its demeanour and state of health on a frequent basis. If there is any indication that the bull is likely to be aggressive or unpredictable, or if its behaviour gives you cause for concern, it should not be kept in a field to which the public have the right of access.
- Beef bulls are banned from fields with footpaths unless accompanied by cows or heifers. This does not include open fells or unenclosed moorland. There are no specific prohibitions on other cattle.
- 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 of children. Erecting an electric fence 0.5 m inside the external perimeter hedge or fence will provide a greater degree of security but should not cause obstruction and should have suitable warning signs.
- 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, should restrict the access of young children and be fitted with a securing device which will prevent release by children and the animals.
- Put a sign at each access point advising the public that the animals should be avoided and offer an alternative route if possible.

Precautions if you graze other cattle

- 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.
- Consider providing signposted paths and possibly a designated core path 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 used by the public.

Precautions to minimise the risk to the public

- Wherever possible use fields or areas infrequently used by the public, especially when cattle are calving or have calves at foot.
- Check that fences, gates, stiles etc are safe and fit for their purpose.
- Clearly mark alternative paths that avoid areas with cattle.
- 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 with regular public access. A few days in another field or in a stock building, where they can be closely and regularly observed, should be enough.

Signs

Even though you should have made every effort not to keep aggressive, or potentially aggressive, animals in a field or area where the public commonly take access, it is good practice to display signs informing the public when a bull or cows with calves 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.
- Signs should conform to suitable standards (see 'Further reading').
- 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 Scottish Outdoor Access Code and Scottish Natural Heritage (see 'Further reading'). 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 an obstruction and should never be used.
- Electrified stock fencing will also require warning signs located at access points and suitable intervals along its length – generally 50 to 100 m apart.

Further reading

Scottish Outdoor Access Code Scottish Natural Heritage www.outdooraccess-scotland.com

Signs guidance for farmers and other land managers Scottish Natural Heritage 2006 www.outdooraccess-scotland.com

A brief guide to occupier's legal liabilities in Scotland in relation to public outdoor access Scottish Natural Heritage 2005 www.outdooraccess-scotland.com

BS 5499: Safety signs including fire signs British Standards Institution (or European equivalents)

Safety signs and signals. The Health and Safety (Safety Signs and Signals) Regulations 1996. Guidance on Regulations L64 (Second edition) HSE Books 2009 ISBN 978 0 7176 6359 0 www.hse.gov.uk/pubns/books/L64.htm

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk/. You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

British Standards can be obtained in PDF or hard copy formats from BSI: <http://shop.bsigroup.com> or by contacting BSI Customer Services for hard copies only Tel: 020 8996 9001 email: cservices@bsigroup.com.

For advice and information on restriction of access to CROW land contact the Open Access Contact Centre (Tel: 0845 1003298) for England, and for Wales call the CCW enquiry line (Tel: 0845 1306 229).

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

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