

## Public Guidance Note 3

### Dogs on Public Rights of Way

This guidance note seeks to explain what the law says about dogs on public rights of way and to inform path users about their rights and responsibilities.

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

The Control of Dogs Order 1992 states that dogs must wear a collar with an identification tag bearing the owner's name and address whilst in a public place; this would apply whilst walking on a public right of way.

#### Dogs and Farmland

Although legislation does not require that dogs be on a lead whilst on a public right of way, you must ensure that you are fully in control of your dog at all times.

Dogs accompanying walkers on public rights of way must be kept in sight and under close control and should not be allowed to stray off the path. Straying, or worrying of livestock, is a serious offence and landowners can take direct action.

It is, unfortunately, too common that some dogs will worry or even attack farm stock. For example, sheep may well move away to avoid dogs which may encourage the dogs to chase them. A loose or out of control dog could cause a pregnant ewe to miscarry or cause a newborn lamb to be separated from and rejected by its mother.

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, and a farmer may have a defence in any civil proceedings for killing or injuring a dog which is caught worrying sheep.

There are special rules on land designated as 'access land'. Here, whenever livestock are present, dogs should be kept on a fixed lead of less than two metres. Also, in between 1 March and 31 July, dogs must be kept on a two metre lead in order to protect ground nesting birds such as skylark and lapwing. These will be disturbed from their nests by free running dogs. Their eggs may then be taken by predators or fail to hatch as a result (this rule does not apply to public rights of way across access land - but it's good to follow it, as it is common sense)

**In short, you must ensure your dog is under close control near livestock and if you have any doubts at all about your ability to control your dog, you should keep it on a lead.**



The one **exception** to this rule is if you are in a field with cattle, especially with calves. Cows may feel threatened and become aggressive towards you and your dog. If this happens stay calm and let your dog off the lead.

### **Dogs and Other People (Especially Small Children)**

It can be frightening, especially for small children, if dogs, apparently out of control, come bounding towards them. You may think your dog is just being friendly, but please consider other people and show mutual respect for each other by putting your dog on its lead as soon as you see people approaching.

### **Dogs and Horses**

If you are out walking or riding with your dog on bridleways, restricted byways, and byways open to all traffic, please keep a lookout for horseriders, especially on narrow sections of paths. Most people are unaware that many horses can be frightened by dogs on the loose or barking and this can have **major** impacts for the horse, rider, and other people if they rear up or take flight. The best way to avoid this is to make sure you can recall your dog at all times - by keeping them on a fixed or retractable lead or by keeping them in sight if you are confident that the dog always responds to your control command or signal - and carrying a lead and using it when passing the horse.

### **Dog Control Orders**

Authorities have the legal power to make Dog Control Orders where it is a proportionate response to problems caused by dogs and their owners. These orders can, in a specified area make it an offence to:

- Fail to remove dog faeces
- Not keep a dog on a lead
- Not put or keep a dog on a lead when directed to do so by an authorised officer
- Permit a dog to enter land from which dogs are excluded
- Take more than a specified number of dogs onto land covered by the order

A fine may be served on the person responsible for a dog, if they fail to adhere to any of the above.

Land that is the subject of a Dog Control Order should be clearly signed as such and ideally copies of the order should be posted at entry points and other appropriate locations.

Go to [www.shropshire.gov.uk](http://www.shropshire.gov.uk) and type Dog Control Orders into the search box, for further information on Dog orders.

Please report any dog control issues to Fix My Street [here](#)

### **The Countryside Code**

Always follow the [Countryside Code](https://www.gov.uk/government/publications/the-countryside-code) <https://www.gov.uk/government/publications/the-countryside-code>



### **What if I Cannot Get My Dog Over a Stile?**

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 legal duty to provide access for walkers, but the duty does not extend to dogs. It is quite likely that a stile that is lamb-proof will also be difficult for a dog to use.

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 standard practice and the landowner will need to be in agreement.

If you wish to take your dog with you, it is advisable to check out the proposed route beforehand to ensure that it is suitable or be prepared to turn back if circumstances demand it.

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.

### **Dog Fouling**

Please be responsible and don't let your dog foul a public right of way or open access land. Dog mess can spread some very nasty infections and diseases. It can contain one million microscopic Toxocara Eggs Toxocaris which is highly infectious, especially to children. Typical Toxocaris symptoms include dizziness and nausea, asthma, and epileptic seizures. More seriously, it can lead to serious eye damage, and even permanent blindness.

It is advisable for all dog owners to worm their animals regularly.

Dog mess, especially from unwormed dogs, also harbours parasites that can harm farm animals especially cows and sheep.

Clear up after your dog and dispose of it appropriately.

Failure to pick up dog mess may constitute an offence if the land is subject to a Dog Control Order.

Please report any dog fouling issues to Fix My Street [here](#)

### **Walking Dogs on Open Access Land and Other Land With Public Access?**

Land designated under the Countryside and Rights of Way Act 2000 as open access land might be subject to restrictions on dogs; you can check for restrictions on the Natural England website or look for notices at the location. 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.



### **Aggressive Dogs on Public Rights of Way**

Any dog which stands on a public right of way and, by its 'threatening behaviour', prevents users from using the path, constitutes a public nuisance and is therefore considered to be an obstruction. 'Threatening behaviour' may include snarling or running around the user barking in a threatening manner.

This could also constitute the dog(s) being considered dangerous under Section 3 of the Dangerous Dogs Act 1991 and action taken against the person(s) in charge of the dog(s) by the Police. Landowners and occupiers must also ensure that such dogs are kept under proper control when in the vicinity of a public right of way.

