

Dogs on Public Rights of Way

Most public rights of way pass over farm land and conflicts can arise between people with dogs and the land managers. This guidance note seeks to explain what the law says about dogs on public rights of way and also to inform path users about their rights and responsibilities.

What is the legal position?

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.

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 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.

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. It's the dog that the cattle are worried about, not you, and the dog will usually be able to get away quicker.

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.

What are Dog Control Orders?

Part 6 of the Clean Neighbourhoods & Environment Act 2005 allows authorities 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 do one or more of the following:

- 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

Dog Control Orders do not apply to Forestry Commission Land and it is not possible to use such an order to **exclude** dogs from roads and highways, including public rights of way and permissive paths. There are special consultation and notification procedures to follow where orders affect open access land set out under the Countryside & Rights of Way Act 2000.

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.

What if I cannot use a path with my dog because of stiles?

This is a common complaint and can be difficult to resolve. 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 before hand to ensure that it is suitable or be prepared to turn back if circumstances demand it.

If a route used to be accessible but has since been made difficult to use, for instance by gates being replaced with stiles, then you should contact the Countryside Access Team as it is likely that action can be taken to restore the path to its original condition.

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.

What about dog mess?

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. Failure to pick up dog mess can lead to diseases being transmitted to livestock, other dogs and humans and may constitute an offence; for instance if the land is subject to a Dog Control Order.

It is advisable for all dog owners to worm their animals regularly and pick up and dispose of dog mess appropriately.

What about 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.