



LIVESTOCK WORRYING

(This guidance note replaces GN11-17 which should be deleted from your files)

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INTRODUCTION

Throughout the year, and particularly at lambing time, the legal department receives a number of requests for advice on what action a livestock farmer can take when dogs worry their animals.

This guidance note contains advice on reporting such incidents and sets out the circumstances in which the owner of a dog which worries livestock can be prosecuted or sued and considers the actions that the farmer can lawfully take to protect their stock.

In addition, this guidance updates members on changes to legislation brought about by the The Dogs (Protection of Livestock) (Amendment) Act 2025.

This guidance applies to both England and Wales.

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1. REPORTING INCIDENTS

It is important that every instance of livestock worrying is reported to the police. This will allow for a more accurate picture of the scale of the problem to be built up and assist the police and Government to determine what resources and powers are required in order to effectively tackle the problem.

Where a dog is in the act of worrying livestock and there is, or is likely to be, serious damage to those livestock, then you should dial 999 as it would be considered an emergency. Alternatively, you can dial 101 to report an incident where the dogs are no longer present after an attack or to report problem dog behaviour. If safe to do so, try to control the dog(s) and gather injured livestock immediately for treatment.

Photographs and videos of the worrying incident and/or the damage it caused can be extremely useful. Where a dog has killed livestock, the carcasses should be disturbed as little as possible to allow for detailed examination which may include DNA samples which could link the dog to the attack. Disturbance of the carcass from scavengers or from rain and wet weather can impact on the quality of the evidence, if any of these factors are likely to be relevant you should cover them with a waterproof sheet.

2. THE LIABILITY OF THE DOG OWNER

Criminal Law

Criminal Offences

If a dog worries livestock on agricultural land or on roads or paths its owner and, if it is in the charge of a person who is not its owner that person, is guilty of a criminal offence under the Dogs (Protection of Livestock) Act 1953 as amended by The Dogs (Protection of Livestock) (Amendment) Act 2025 (the 2025 Act).

“Livestock” is defined as: -

- Bulls, cows, oxen, heifers, calves
- Sheep
- Goats
- Swine
- Horses, asses, mules
- Llamas, alpacas and other camelids
- Domestic fowls, turkeys, geese, ducks

Note the definition does not include wild fowl, other game or commercially kept rabbits.

“Agricultural land” is defined as land used for the following purposes: - arable, meadow or grazing, poultry or pig farming together with market gardens, allotments, nursery grounds or orchards.

It has also been held to include a cricket ground on which sheep are grazing (*Williams v Richards [1970]*).

The 2025 Act makes a differentiation between incidents of livestock worrying and incidents of livestock attacks. Although it does not create any new offences, as these were both

offences under the 1953 Act, it does substantively expand powers and creates new procedural duties.

“Worrying livestock” is defined as

- Attacking Livestock,

or

- Chasing Livestock in such a way as may reasonably be expected to cause it injury or suffering or, in the case of females, abortion or loss or diminution in their produce.

The chase can fall short of actual pursuit. A dog running amongst livestock so as to cause alarm has been held to be “chasing” as the word meant both “putting to flight” as well as “pursue” (*Stephen v Milne 1960*).

The dog need not directly cause the Injury. The definition has been held to include foals injuring themselves after being barked at (*Campbell v Wilkinson (1909)*), and poultry being so shocked as to be unable to lay eggs (*Ives v Brewer (1951)*).

or

- Being at large (meaning that it is neither under close control nor on a lead) in a field or enclosure in which there are sheep. However, this does not apply if the dog is:-

- (i) Owned by, or in the charge of, the occupier of the field or enclosure, or the owner of the sheep, or a person authorised by either of those persons,
- (ii) a police dog,
- (iii) a guide dog,
- (iv) a trained sheep dog,
- (v) a working gun dog,
- (vi) a pack of hounds.

Defences

There is a defence if: -

- The owner proves that at the time in question the dog was in the charge of some other person whom:
 - (i) the owner reasonably believed that other person to be a fit and proper person to be in charge of the dog, or
 - (ii) the owner did not consent to the dog’s being in the charge of that other person.

(It should be noted that it is for the owner of the dog to prove this defence on the balance of probabilities).

or

- At the material time the livestock were trespassing or straying on the road or path in question and the dog in question was either owned by, or in the charge of, the occupier of that land or a person authorised by them. However, this defence is not available in a case where the person causes the dog to attack the livestock.

Criminal Sanctions

The 2025 Act increases the penalties available to the courts upon conviction of an offence to an unlimited fine. The 2025 Act also allows the court to order the offender to pay reasonable expenses associated with seizing and detaining a dog suspected of an offence.

Civil Law

The Dogs (Protection of Livestock) Act 1953 as amended may not apply in all circumstances. The owner of animals worried by dogs does have other remedies. They may be able to bring a claim for damages under the Animals Act 1971.

Under the 1971 Act, if a dog causes damage by killing or injuring livestock, the keeper is liable for that damage, subject to the statutory defences below. There is no requirement that the keeper knew or should have known that damage was or would be caused.

The “keeper” is either the owner of the dog or the person having it in their possession or, if the person having control or possession of it is under 16, the head of the household.

“Injury” has the same broad meaning as above.

The definition of “livestock” however is slightly different. It means: -

- Cattle,
- Horses, asses, mules, hinnies (offspring of she-ass by stallion)
- Sheep, pigs, goats and deer not in a wild state
- The domestic varieties of fowls, turkeys, geese, ducks, guinea-fowls, pigeons, peacocks and quails and, while in captivity only, pheasants, partridges and grouse

The significant difference is, of course, that the definition includes game.

Defences

The keeper has two possible defences. He will not be liable if either: -

- The damage to livestock is due wholly to the fault of the person whose livestock it is.

or

- If the livestock was killed or injured on land on to which it had strayed and:

- (i) either the dog belonged to the occupier of that land, or
- (ii) its presence on that land was authorised by the occupier.

3. POLICE POWERS TO SEIZE DOGS SUSPECTED OF WORRYING LIVESTOCK

The 2025 Act allows for the seizure and detention of dogs suspected of attacking or worrying livestock. Part Two of the legislation allows a constable to seize a dog where they have reasonable grounds to believe that a dog has attacked or worried livestock on agricultural land or on a road or path and nobody present where the dog is found admits to owning or being in charge of the dog. And, where there are reasonable grounds to believe that the dog

has attacked or worried livestock and unless detained there is a risk it could attack or worry livestock again or detain a dog until an investigation into the offence or proceedings in respect of such an offence are determined or withdrawn.

In recognition of new investigative techniques that have developed since 1973, the 2025 Act also makes allowance for the taking of samples and impressions from dogs and the detention of dogs so that samples and impressions may be taken where a dog is reasonably suspected of being involved in a livestock worrying incident or a livestock attack. These samples could include a cheek swab for DNA, hair samples or collection of any other evidence found on the dog such as blood on its coat or wool snagged in teeth.

Finally, the 2025 Act gives powers for a constable to apply to a Justice of the Peace (JP) for a warrant to enter a premises for a search where the JP believes there are reasonable grounds to suggest that a livestock worrying incident or livestock attack has been committed, and that the dog in respect of which the offence has been committed is on premises specified in the application. The warrant will allow the constable to enter the property to identify the dog, seize and detain the dog, or take a sample or impression from the dog. A warrant may also be issued by a JP to allow a constable to enter and search the premises to seize any evidence of a livestock worrying or livestock attack offence.

4. SHOOTING THE DOG

Dogs are generally owned by somebody and as such are a form of property. Therefore, if a person shoots another person's dog without lawful authority, they will have damaged that person's property.

Criminal Law

As a dog is form of property, a person who shoots a dog without lawful excuse could be liable to conviction under the Criminal Damage Act 1971 (CDA 1971).

Lawful excuse can arise, under section 5 (2) CDA 1971 if the person who shot the dog did so "in order to protect property belonging to themselves or another, or a right or interest in property which was... vested in themselves or another".

The definition of property used here will include pets and livestock.

It is sometimes suggested that property includes sporting rights, and as such it would be lawful for a person enjoying sporting rights to shoot a dog worrying game. However, as shooting a dog to protect game does nothing to protect the sporting rights themselves, which will continue unaffected, it is hard to see much force in this argument.

Civil Law

A person who shoots a dog could be sued by its owner for its value. If the dog has a particular pedigree or expertise, this may be a significant sum.

However, it is lawful, under section 9 Animals Act 1971 Act, for a person to shoot a dog to protect livestock (under the broader definition) if: -

- the livestock or the land which it is on belongs to them or to any person under whose express or implied authority he is acting:

and

- in a case where the livestock is on land on to which it has strayed, the dog does not belong to the occupier of that land and nor was its presence there authorised by them;

and

- either the dog is worrying or about to worry livestock and there are no other reasonable means of ending or preventing the worrying;

or

- the dog has been worrying livestock, has not left the vicinity, is not under the control of any person, and there are no practicable means of ascertaining to whom it belongs;

and

- within 48 hours of the killing or injuring the person doing it gives notice of it to the officer in charge of a police station.

A notice to the effect that trespassing dogs will be shot is no defence. (*Corner v Champneys (1814)*).

Finally, the shooting of dogs, even when lawful, is likely to attract a considerable level of criticism from both the owner and the wider public. It is therefore not something to be done lightly or when other than absolutely necessary.

5. FURTHER INFORMATION

Members may also find CLA Guidance Note: Dogs, Access and Public Rights of Way useful.

The Countryside Code: <https://www.gov.uk/government/publications/the-countryside-code>

Dog Walking Code: <https://www.royalkennelclub.com/media/3091/the-dog-walking-code.pdf>

6. CONTACT

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