



Straying Livestock on the National Forest Estate

Joint Guidance Note

Why is this guidance needed?

The internal guidance is needed to help Forestry and Land Scotland (FLS) staff handle cases of straying livestock effectively, efficiently and in accordance with the law. Implementation of the guidance aims to facilitate good working relationships between FLS staff and those who neighbour the National Forest Estate (NFE). The guidance provides staff with a starting point and basic framework, but it is expected that staff will approach each individual case according to the specific factors involved.

Sheep and other domestic livestock that stray onto the NFE create a number of issues for both neighbouring farmers and FLS including;

- Browsing damage to young plantation and native woodland regeneration.
- Biosecurity risks from the potential spread of sheep scab and other livestock disease.
- Biosecurity risks from the increased potential to spread tree disease on hooves and fleeces.
- Animal welfare issues from unattended livestock such as overgrown hooves, turned in horns and fleeces caught in low branches.
- Loss and inconvenience to farming neighbours through incomplete gathers, missed treatments etc.

As a result of poor understanding of the law, very little action has been taken to tackle these issues over the years. This has resulted in increasing losses to FLS and farmers.

Following extensive research, and with the approval of Scottish Government and Police Scotland, FLS has provided detailed guidance to its staff on how to manage instances of livestock straying onto the NFE. The purpose of this explanatory note is to raise further awareness and improve neighbourly cooperation through better understanding and set out how FLS staff will implement guidance in practice.

Good communication on both sides is essential to resolve incidents without difficulty. Establishing and maintaining good communications out with incidents should be a priority for all parties.

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NFUS and FLS will undertake to meet on a biannual basis to review how the guidance is working in practice and identify any developing areas of concern.

The FLS Approach

FLS, its staff and contractors will always seek to act in accordance with the following key principles:

1. FLS will work positively with its neighbours with a primary focus of finding solutions for the repatriation of straying livestock. Only as a last resort, where all other reasonable options have failed, will FLS request permission from Police Scotland to cull stray livestock.
2. Wherever possible FLS will seek to meet with neighbours and livestock owners face to face to discuss issues, concerns and possible solutions.
3. FLS will alert neighbours when domestic livestock are seen on the NFE, and shall provide access (where it is safe to do so) to allow the keeper to extract the animals.
4. FLS will act reasonably and have consideration for the farming calendar, weather conditions and health and safety, when requesting keepers to remove stock that has encroached onto the NFE.
5. FLS expects keepers of straying livestock to take reasonable steps to return them to their own ground within an appropriate timescale. If difficulties are foreseen, it is important that neighbours and livestock owners speak to FLS at an early stage to see whether FLS might be able to offer any assistance in gathering livestock.
6. Where FLS has not met its own fencing obligations; it is not feasible to fence boundaries or livestock have strayed through no fault of any party, FLS will work collaboratively with livestock owners to find reasonable solutions. As set out below, if a case is particularly complex, or it has not been possible to amicably agree a way forward through direct discussion, FLS will work with NFUS to try and resolve issues.

The Farmer Approach

1. Discuss your concerns – If you neighbour the NFE and are aware that livestock are or could be straying, make contact with the local FLS office and ask to speak to someone about your concerns. This will mean that local staff can contact you quickly if they find any animals

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that may belong to you. A swift resolution is in the interests of both parties and will avoid any unnecessary loss of stock.

2. Be prepared that some FLS staff have limited agricultural experience. When discussing repatriation and remedial/preventative action, ensure both parties understand each other's position, constraints and desired outcome.

The Law

FLS Guidance is supported by existing legislation:

- **Animals (Scotland) Act 1987:** Places liability on the keeper of an animal for any injury or damage caused by that animal. Furthermore, the Act enables an occupier of land to detain any domesticated livestock that has strayed onto their land.
- **Civic Government (Scotland) Act 1982:** Establishes responsibilities relating to livestock detained under the Animals (Scotland) Act 1987.

FLS Actions

How FLS will respond to incidents of straying livestock depends on whether the keeper has been identified and whether they are willing to cooperate. This is summarised in Appendix 1. In doing so, FLS will take specific action and further information is provided below.

Identifying the keeper

1. FLS will gather and record as much descriptive information as possible including (wherever possible): number of animals; tags; lug marks; keel marks; breed & location.
2. FLS will make contact with all known farming neighbours to establish ownership. These enquiries may be face-to-face or via telephone, letters, or through local community groups.
3. If livestock are tagged, enquiries will be made with SGRPID to try and establish ownership.
4. FLS will seek assistance from the local NFUS branch.
5. If these actions fail to identify the keeper, an advertisement will be placed in the local press appealing for keeper to come forward.

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6. If FLS has been unable to identify the keeper, the livestock will be regarded as lost or abandoned.

Gathering and Impounding Livestock

1. FLS will endeavour to offer support to repatriate livestock if keepers are unable to gather their stock safely or;

2. If the keeper is unwilling to repatriate their stock, or the keeper cannot be identified, FLS will attempt to gather the livestock, using competent livestock handlers, if it is practical and safe to do so.

3. Livestock gathered by FLS will be notified to the police Chief Constable and held in a designated fenced enclosure that has been registered with a Holding Number by SGRPID.

4. When stock is held on the NFE, and has not been claimed, FLS will take over the care and custody of the animals and will ensure that animal movements are correctly recorded.

5. Once rounded up, livestock may be identifiable, in which case FLS will seek to identify the keeper and work with them to repatriate the animals.

6. If livestock cannot be repatriated FLS will seek approval to dispose of the animals by sale or humane culling.

Disposal and Humane Culling

1. FLS cannot dispose of stray livestock without the written approval of the keeper **or** the Chief Constable.

2. When gathered and impounded, livestock will be retained for at least 2 months prior to disposal unless the Chief Constable, at their sole discretion, considers that it is safer or more humane to act more quickly.

3. FLS will have a legal right to cull straying livestock following the written approval of the Chief Constable, however it is an action of last resort and will only be undertaken by competent and licenced marksmen.

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4. It is anticipated that, in most cases, FLS will be able to work with keepers to successfully repatriate their stock and straying livestock will only be humanely culled in the following limited circumstances:

- a) If it has not been possible to achieve the repatriation of the animals;
- b) If it is unsafe or impractical to gather and impound the animals or;
- c) Where it is not practical to retain and sell impounded animals.

Resolving Issues

1. FLS will notify NFUS upon receipt of any new Police Scotland approval to cull, prior to any cull being initiated.

2. FLS will provide a quarterly report to NFUS outlining the details of approvals granted, including location and numbers of sheep covered by the approval, and the stock actually disposed of in each area.

3. Where a case is particularly complex or it has not been possible to amicably agree a reasonable solution, FLS and NFUS will work together to resolve issues.

4. NFUS Members should report any cases that require mediation to the local NFUS branch. This is expected when reasonable and workable solutions cannot be agreed or you feel that process has not been properly followed.

5. Cases should then be forwarded to gemma.cooper@nfus.org.uk or penny.middleton@nfus.co.uk for following up centrally with FLS.

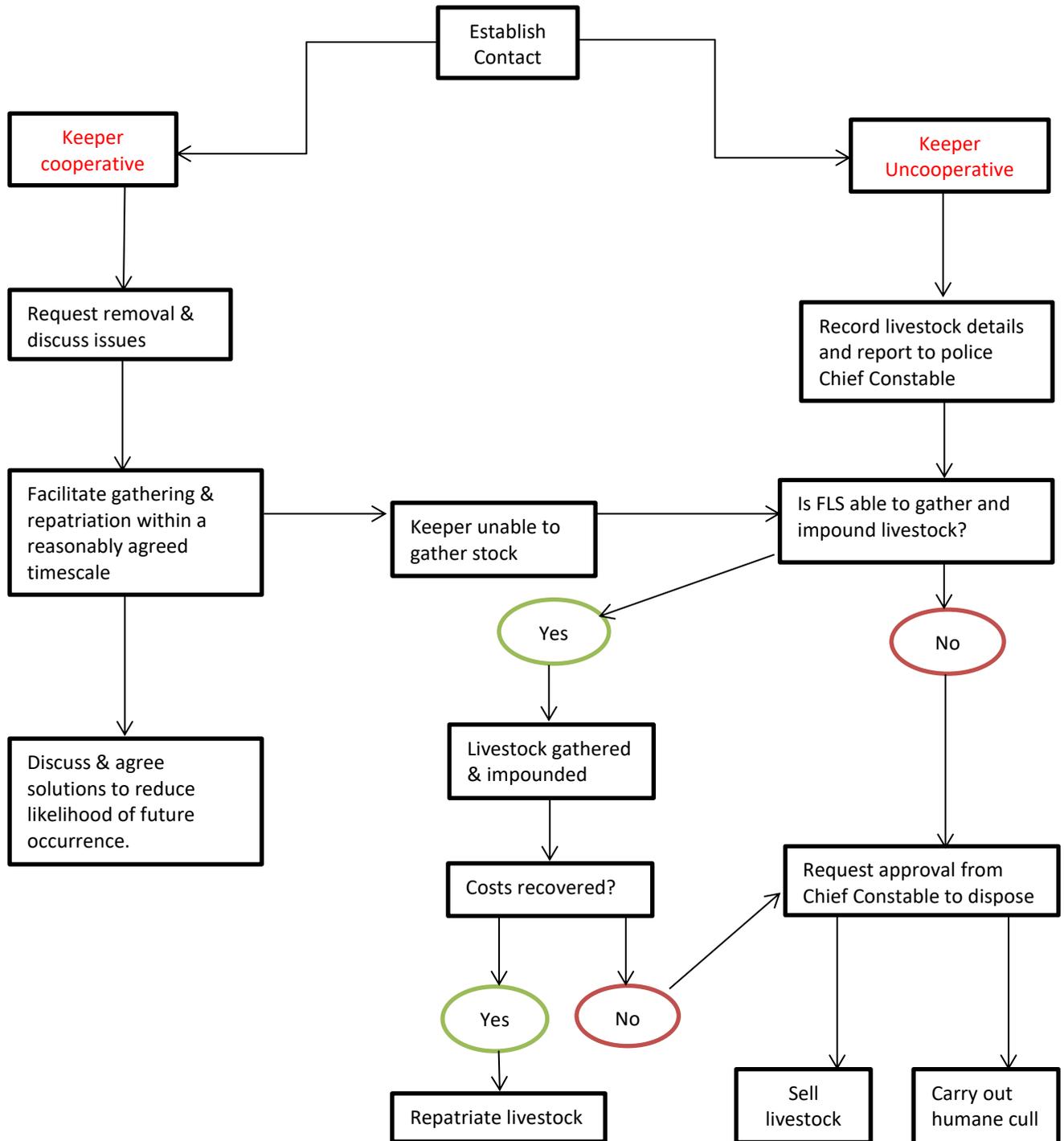
6. NFUS Member cases where fencing obligations are not being met, including cases where fencing has been damaged as a result of harvesting timber, should be referred to the responsible FLS staff in the first instance. If the case cannot be resolved directly, it should then be forwarded to gemma.cooper@nfus.org.uk or penny.middleton@nfus.co.uk.

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Appendix 1 - The FLS Process

1. Where a keeper **has been identified**.



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2. Where a keeper **has not been identified**.

