



Animals Act 1971

1971 CHAPTER 22

Detention and sale of trespassing livestock

7 Detention and sale of trespassing livestock.

- (1) The right to seize and detain any animal by way of distress damage feasant is hereby abolished.
- (2) Where any livestock strays on to any land and is not then under the control of any person the occupier of the land may detain it, subject to subsection (3) of this section, unless ordered to return it by a court.
- (3) Where any livestock is detained in pursuance of this section the right to detain it ceases—
 - (a) at the end of a period of forty-eight hours, unless within that period notice of the detention has been given to the officer in charge of a police station and also, if the person detaining the livestock knows to whom it belongs, to that person; or
 - (b) when such amount is tendered to the person detaining the livestock as is sufficient to satisfy any claim he may have under section 4 of this Act in respect of the livestock; or
 - (c) if he has no such claim, when the livestock is claimed by a person entitled to its possession.
- (4) Where livestock has been detained in pursuance of this section for a period of not less than fourteen days the person detaining it may sell it at a market or by public auction, unless proceedings are then pending for the return of the livestock or for any claim under section 4 of this Act in respect of it.
- (5) Where any livestock is sold in the exercise of the right conferred by this section and the proceeds of the sale, less the costs thereof and any costs incurred in connection with it, exceed the amount of any claim under section 4 of this Act which the vendor had in respect of the livestock, the excess shall be recoverable from him by the person who would be entitled to the possession of the livestock but for the sale.

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Animals Act 1971, Section 7. (See end of Document for details)

- (6) A person detaining any livestock in pursuance of this section is liable for any damage caused to it by a failure to treat it with reasonable care and supply it with adequate food and water while it is so detained.
- (7) References in this section to a claim under section 4 of this Act in respect of any livestock do not include any claim under that section for damage done by or expenses incurred in respect of the livestock before the straying in connection with which it is detained under this section.
- [^{F1}(8) Subsections (2) to (7) do not apply to horses on land in England (as to which, see sections 7A to 7C).]

Textual Amendments

F1 S. 7(8) inserted (26.5.2015) by [Control of Horses Act 2015 \(c. 23\)](#), **ss. 1(2)**, 5(1)

Status:

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Changes to legislation:

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