

# Keep your dogs under control

**Q:** I live in the country and have two sheep dogs even though I am not a farmer myself.

My neighbour who is a farmer has sheep and cattle in the fields around my home. He has started calling to my house threatening to shoot my dogs for chasing his animals.

What rights do I have as the dog owner to protect my dog's.

**A:** If your neighbour is correct and your dogs have been going onto his lands and chasing his animals, then you need to be very careful as under The Control of Dogs Act, 1986, you are guilty of an offence.

Under the Act, you should not allow your dog in any other place other than your own premises, the premises of someone else who you have asked to mind the dog or the premises of someone you are visiting and who consents to your dog being there. Therefore, the Act does not allow your dog to be on your neighbour's lands.

If your neighbour can show that your dogs are chasing the livestock in such a manner as could result in death or injury/suffering to the livestock or which could result in financial loss to the owner of the livestock, then you will be guilty of an offence which could result in a fine and/or

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imprisonment.

The only exception to this would be if the livestock trespassed onto your premises and your dogs chased the livestock solely for the purpose of removing them from your premises.

The Act also outlines instances where it will be lawful for your neighbour to shoot the dogs.

However, it would be important for your neighbour to know that shooting your dogs should only be done as a mat-

ter of last resort.

The IFA has made a list of 10 points which a farmer should follow before shooting a trespassing dog such as inform the gardai, call the dog warden and so on.

The following are instances where it is lawful to shoot another person's dog:

(a) the dog was shot when it was worrying, or was about to worry, livestock and that there were no other reasonable means of ending or preventing the worrying; or

(b) the dog was a stray dog which was in the vicinity of a place where livestock had been injured or killed, and

(c) the defendant reasonably believed that the dog had been involved in the injury or killing, and

(d) there were no practicable means of seizing the dog or ascertaining to whom it belonged; and

(e) he was the person in charge of the livestock; and

(f) he notified within forty-eight hours the member in charge at the nearest Garda Station to the place where the dog was shot of the incident.

I would therefore strongly recommend you address the problems with your neighbour.

*If you have any queries regarding this article please feel free to contact Jacquelyn Dunne Solicitor on (086) 1617418. Send your questions for next week's article to jacquelyn@dunnesolicitors.ie or by post to Dunne Solicitors, Ballyshonock, Kildorrery, Co. Cork*

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