



# Animals (Scotland) Act 1987

## 1987 CHAPTER 9

### **4 Killing of, or injury to, animals attacking or harrying persons or livestock.**

- (1) Subject to subsection (2) below, in any civil proceedings against a person for killing or causing injury to an animal, it shall be a defence for him to prove—
  - (a) that he acted—
    - (i) in self-defence;
    - (ii) for the protection of any other person; or
    - (iii) for the protection of any livestock and was one of the persons mentioned in subsection (3) below; and
  - (b) that within 48 hours after the killing or injury notice thereof was given by him or on his behalf at a police station or to a constable.
- (2) There shall be no defence available under subsection (1) above to a person killing or causing injury to an animal where the killing or injury—
  - (a) occurred at or near a place where the person was present for the purpose of engaging in a criminal activity; and
  - (b) was in furtherance of that activity.
- (3) The persons referred to in subsection (1)(a)(iii) above are—
  - (a) a person who, at the time of the injury or killing complained of, was a keeper of the livestock concerned;
  - (b) the owner or occupier of the land where the livestock was present; and
  - (c) a person authorised (either expressly or impliedly) to act for the protection of the livestock by such a keeper of the livestock or by the owner or occupier of the land where the livestock was present.
- (4) A person killing or causing injury to an animal (“the defender”) shall be regarded, for the purposes of this section, as acting in self defence or for the protection of another person or any livestock if, and only if—
  - (a) the animal is attacking him or that other person or that livestock and (whether or not the animal is under the control of anyone) the defender has reasonable grounds for believing that there are no other practicable means of ending the attack; or

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Animals (Scotland) Act 1987, Section 4. (See end of Document for details)*

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- (b) the defender has reasonable grounds for believing—
  - (i) that the animal is about to attack him, such person or livestock and that (whether or not the animal is under the control of anyone) there are no other practicable means of preventing the attack; or
  - (ii) that the animal has been attacking a person or livestock, is not under the control of anyone and has not left the vicinity where the attack took place, and that there are no other practicable means of preventing a further attack by the animal while it is still in that vicinity.
- (5) In subsection (4) above “attack” or “attacking” includes “harry” or “harrying”.
- (6) In this section—

“livestock” means any animals of a domestic variety (including in particular sheep, cattle and horses) and, while they are in captivity, any other animals.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the *Animals (Scotland) Act 1987*, Section 4.