

## Trespassing and Wandering Stock: A Guide for Rural Landowners

**In rural communities, the sight of wandering livestock grazing peacefully by the roadside may seem picturesque, but it poses significant risks and legal liabilities for both the animals and the public.**

The issue of wandering stock is not just a matter of inconvenience; it can lead to accidents, property damage, and legal disputes. Understanding the responsibilities and consequences associated with wandering stock is crucial for rural landowners to ensure the safety of both their animals and the community.

### The Risks

Wandering stock can present numerous hazards to public safety, motorists, and the animals themselves. When livestock stray onto roads or neighboring properties, they increase the likelihood of traffic accidents, injuries, and even fatalities. Additionally, roaming animals may damage crops, gardens, and infrastructure, resulting in financial losses for landowners and inconvenience for residents.

### Legal Liability

In New Zealand law, landowners have a duty of care to prevent their livestock from wandering onto public roads or neighboring properties. The Impounding Act 1955, Animals Law Reform Act 1989, and the Fencing Act 1978 outline the legal responsibilities of rural landowners regarding stock control and fencing. Failure to adequately confine livestock can result in legal consequences, including fines, compensation claims, and orders to repair any damage caused by wandering stock.

The Impounding Act 1955 also gives landowners on whose land wandering stock is trespassing, the right to:

- (a) 'impound' wandering stock, in the 'nearest accessible pound to the place where the stock was found trespassing' or and the stock may be 'led, driven or conveyed to the pound by the occupier of the land trespassed upon; or
- (b) impound the stock on their own land or the land that they are occupying 'in any convenient place'. In this case stock cannot be impounded for any longer than two whole days of 24 hours each, after which the stock needs to be either released or conveyed to the nearest pound; and
- (c) in the case of pigs or goats (except for branded angora, saanen or toggenburg goats), may destroy them.

### Preventive Measures

To minimise the risks associated with wandering stock, rural landowners should implement proactive measures to secure their animals and property:

- (a) **Fencing:** Ensure you have adequate fencing, appropriate for the type of stock on your farm or lifestyle block. Regular maintenance of fences is essential to ensure their integrity.
- (b) **Gates and Latches:** Install secure gates and latches to control access points and prevent animals from escaping unintentionally. Regularly inspect and maintain gates to prevent them from becoming damaged or inoperable.
- (c) **Grazing Management:** Implement rotational grazing practices to ensure that livestock remain within designated areas and do not overgraze pasture boundaries. Adequate supervision and monitoring of animals can help prevent them from wandering off.
- (d) **Identification:** All livestock should be properly identified with ear tags or other permanent markings, including the owner's contact information. In the event of escaped animals,

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## Trespassing and Wandering Stock: A Guide for Rural Landowners (Continued)

clear identification facilitates their retrieval and minimizes disputes over ownership.

- (e) **Collaboration:** Establish open communication channels with neighboring landowners, road authorities, and local authorities to address any concerns regarding wandering stock promptly. Collaborative efforts can help mitigate risks and resolve issues effectively.
- (f) **Insurance:** Maintain comprehensive rural and public liability insurances with a specialist rural insurance provider to cover against costs that may arise from wandering stock, including cover for legal liability arising out property damage or personal injury.

### Conclusion

Wandering stock pose significant risks to public safety and can result in legal liabilities for rural landowners. By taking proactive measures to confine their livestock and maintain secure fencing, landowners can minimise the likelihood of accidents, property damage, and legal disputes. Understanding and fulfilling their responsibilities under New Zealand law is essential for ensuring the safety of both animals and the community in rural areas.

### Want to know more?

If you have any questions about these matters please contact our specialist [property](#) or [litigation team](#).