

Electric fencing is commonly used throughout the UK to control livestock movement. The electric shock transmitted to a horse, rider or carriage driver touching live electric fence can result in serious injury, particularly if the horse bolts or rears in response to the shock.

Under the Land Reform (Scotland) Act 2003 access rights apply to most land, including most paths and tracks, provided such rights are exercised responsibly (see Horse Sense for further guidance on the access rights and respective responsibilities). Legally, there is nothing to specifically prevent use of electric fencing alongside paths or tracks, or around any enclosed ground. However, Part 1 Section 3 of the Act states that “it is the duty of every owner or land in respect of which access rights are exercisable (a) to use and manage the land and (b) otherwise to conduct the ownership of it in a way which, as respects those rights, is responsible”. This is further defined as meaning “not causing unreasonable interference with the access rights of any person exercising or seeking to exercise them”, which might logically be interpreted as adhering to guidance and British standards (although these standards are not legally enforceable).

## **Guidance on use of electric fencing near paths and tracks**

- Before installing any electric fence, land managers should assess the risks of a horse or handler receiving a shock from the fence and assess the pros and cons of possible alternative options.
- NFU guidance to its members highlights the fact that health and safety risk assessment protocols demand that alternatives to any potentially dangerous practice be seriously considered.
- Signs should be used to alert the public to the fact that the fence is live.
- Gates should be provided wherever the fence crosses paths, tracks or desire lines.
- Adequate crossing points should be provided to enable people to safely get through the fence. Signs should direct people to the nearest safe place to cross the fence.
- Design of any fence including electrified sections should take into account risk of horses leaping away from a shock into another fence.

Electric fences powered from the mains supply generally deliver much stronger shocks than those powered by battery units.

Use of electric fencing along one or both sides of a route to form a narrow corridor should be avoided wherever possible. If there is no safer alternative, each wire must be taut between secure upright posts, ideally at least 1 m beyond a usable 3 m width (i.e. 4 m minimum between fences). Useable width is defined as being free of trip hazards, ruts or uneven ground, clear of overhanging vegetation, and clear of vegetation more than 150 mm high.

## **Electric fencing near gates**

BSI 5709:2006 states that there should be no electric fencing within 1 m of gates or the space required to manoeuvre through the gate (a horse requires at least 4 m x 4 m each side of the gate to avoid risk of touching exposed wires). Care is required to ensure that there is no risk of the gate becoming electrified by swinging back onto a live wire or fence.

BHS guidance suggests that electric fence should be shielded or insulated at least 2m each side of any gateway or crossing point on a path or track, although there is nothing in Scotland to enforce compliance with this recommendation.

Electrical connection must be maintained either by insulating and burying cable at least 400 mm deep or conduited at least 3.4 m above the gateway from 2 m beyond the gate latch post, using robust posts which hold the wire taut to allow horse and rider safer access. BHS

UK's guidance is that burying the cable link is not recommended because horses risk picking up any earth leakage, although in practice this is far more common than overhead cabling, which often presents more significant risk, particularly when supported by flimsy plastic electric fence posts which inevitably bend inwards.

Where electric fencing is at an angle to a gate, it should be at least 3 m away from the gateway and either insulated or protected from contact for 3 m from the gate to minimise risk of contact while a horse or rider is manoeuvring to open the gate.



*Exposed live electric wires present serious risks for anyone trying to negotiate the gate with a horse. In the picture to the left a horse riding or driving along the track could all too easily bolt or rear after receiving a shock from the live wire loop protruding from the clapping post designed to take the handle of a coiled wire spring. The electric wire should be sheathed at least 1m back from the gate and ideally undergrounded.*

Wherever possible, insulated spring handles on coiled wire to maintain continuity on an electric fence across a gateway or across a path or track, or to stop cattle rubbing on a gate, should be avoided by avoided. Where such spring handles are considered essential, it is all the more critical to allow adequate manoeuvring space to open and close the gate and ensuring the electric wires are sheathed at least 1 m (ideally 2 m) back from the gate to avoid risk of a horse receiving a shock from live electric wires.

### **Warning signs on electric fences**

BSEN 60335 March 2011 stipulates that safety signs need to be erected at the beginning and end of electric fences and regular intervals thereafter if alongside a path or track used by the public. Regular intervals is defined as 10 m spacing for security fencing and at least every 50-100 m for stock fencing.

### **Mitigating the risks of electric fencing**

The hazard posed by electric fencing increases

- The closer a horse needs to pass it
- The more electric fencing there is in the vicinity (e.g. electric fencing on all sides)
- Where there are excitable livestock or loose horses adjacent or nearby, particularly on more than one side
- Where a gate needs to be negotiated, particularly if there are livestock or loose horses on either side
- Where there is uneven or boggy ground, overhanging branches or high surface vegetation.

Wherever possible, steps should be taken to reduce or overcome these exacerbating factors.

The above guidance is generic rather than specific to any individual location or situation. BHS recommends seeking advice specific to a site where it is being relied upon. The legal position relating to electric fencing on rights of way is very different in England and Wales. Contact BHS HQ at Stoneleigh for further details or see "Advice on electric fencing near routes used by riders or carriage drivers in England and Wales".

March 2021