

# Advice on Stallions and outdoor recreational access in Scotland

In other parts of upland Britain such as Wales, Dartmoor, Exmoor and the Lake District, it is relatively common to meet stallions running with mares on hills and mountains, and for walkers, cyclists and horse riders to pass without a problem. However, stallions, just like bulls and rams, can behave aggressively to humans and other animals with potentially serious consequences. Dog walkers, horse riders and carriage drivers are arguably most vulnerable, particularly those travelling with a mare, although anyone passing through a field or across land where a stallion is running should be aware of the risks. Stallions may try and mount horses being ridden or driven, which can be frightening and dangerous both for the horse and rider/driver. Size, breed and age of stallion is immaterial: some may be relatively docile and well-mannered but all can be unpredictable.

The following guidance has been produced by The British Horse Society to clarify the legal position relating to access across land on which stallions are kept and to offer practical advice to riders, carriage drivers and stallion keepers. The guidance relates specifically to Scotland, which has entirely different access legislation to the rest of the UK. For guidance on stallions on bridleways in England and Wales, see <https://www.bhs.org.uk/advice-and-information/free-leaflets-and-advice>

## **The legal position**

The Land Reform (Scotland) Act 2003 confirms a right of responsible access for non-motorised users to most land, provided rights are exercised responsibly. Neither stallions or other entire animals are mentioned specifically in the Act, hence access rights apply to both fields and common, hill or open ground on which stallions are grazing.

The Scottish Outdoor Access Code provides guidance on respective responsibilities for access takers and land managers. The Code does not specifically mention stallions but advises those taking access to see if there is an alternative before entering a field with dangerous animals, and advises horse riders "not to go into fields where there are grazing horses or animals that might be a danger".

The Act clearly states that "it is the duty of every owner of land in respect of which access rights are exercisable to use and manage the land and conduct the ownership of it in a way which, as respects those rights, is responsible." Land managers' responsibilities as set out in the Code include "keeping animals known to be dangerous away from fields crossed by a core path or other well-used route. If this is not possible, tell the public and signpost a reasonable alternative route." All stallions are potentially dangerous and should not therefore be kept or grazed in fields which are regularly used for public access on foot, cycle or horseback.

**Enclosed fields in which stallions are grazing**

As stallions fall within the definition of animals that might be a danger:

- horse riders are advised not to enter fields with stallions.
- walkers and cyclists should try and find an alternative route, particularly if accompanied by a dog

**Hill and open ground on which stallions are running**

There is no legal restriction on stallions running with mares on open ground in Scotland, nor on people walking, cycling, riding or carriage driving across such ground.

**Advice for access takers on avoiding conflict with stallions**

- Remember that under Scottish law, you are responsible for yourself (as well as your dog or horse), and for your own actions. The Land Reform Act sets out where access rights apply, and the Code summarises your responsibilities, but it is up to you to do your own risk assessment, taking account of your abilities, experience and local situation, and then decide whether you consider it safe to follow your intended route.
- If you know a stallion is in a field, find and follow an alternative route where possible.
- Give stallions as wide a berth as possible
- Never come between a stallion and his herd.
- Never take a mare in season through a field with a stallion, and think carefully before riding or driving a mare in season across open ground where a stallion is running free

**Advice for stallion keepers**

- Do not graze or leave your stallion unattended in fields across which there is a designated core path or other path, or track used regularly by the public on foot, cycle or horseback.
- Do not use the threat of a loose stallion to discourage or deter legitimate recreational access.
- Although there is no legal obligation, you may wish to consider erecting a temporary sign saying "stallion in field" where appropriate, and clearly indicate an alternative route, but remember to take the sign down when the stallion is moved. If in doubt about the wording, talk with BHS Scotland or your local access officer.



*Signs such as this which are deliberately intended to deter legitimate public access do not reduce the owner's liability nor stop anyone walking, cycling or riding down the track.*

If you need further advice on equestrian access in Scotland, contact your local BHS access representative (see [www.bhsscotland.org.uk](http://www.bhsscotland.org.uk) for contact details) or Helene Mauchlen, national manager for BHS Scotland Tel. 01764 656334 or email [Helene.Mauchlen@bhs.org.uk](mailto:Helene.Mauchlen@bhs.org.uk).

For guidance on equestrian access in England and Wales, contact Access and Rights of Way Department, The British Horse Society, Abbey Park, Stareton Lane, Kenilworth, Warwickshire CV8 2XZ. Telephone 02476 840581. Email [access@bhs.org.uk](mailto:access@bhs.org.uk).

**IMPORTANT** This guidance is general and does not aim to cover every variation in circumstances. The Society recommends seeking advice specific to a site where it is being relied upon.