



Isle of Man

Ellan Vannin

AT 15 of 1981

ANIMALS ACT 1981



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**Isle of Man***Ellan Vannin*

ANIMALS ACT 1981

Received Royal Assent: 31 July 1981
Passed: 13 October 1981
Commenced: 13 November 1981¹

AN ACT to make provision with respect to civil liability for damage done by animals and with respect to the protection of livestock from dogs; and for purposes connected therewith.

Strict liability for damage done by animals

1 New provisions as to strict liability for damage done by animals

[P1971/22/1]

- (1) The provisions of sections 2 to 5 replace —
 - (a) the rules of the common law imposing a strict liability in tort for damage done by an animal on the ground that the animal is regarded as *ferae naturae* or that its vicious or mischievous propensities are known or presumed to be known;
 - (b) section 5 of the *Dogs Act 1908*, in so far as it relates to injury to cattle; and
 - (c) the rules of the common law imposing a liability for cattle trespass.
- (2) Expressions used in those sections shall be interpreted in accordance with the provisions of section 6 (as well as those of section 10).

2 Liability for damage done by dangerous animals

[P1971/22/2]

- (1) Where any damage is caused by an animal which belongs to a dangerous species, any person who is a keeper of the animal is liable for the damage, except as otherwise provided by this Act.
- (2) Where damage is caused by an animal which does not belong to a dangerous species, a keeper of the animal is liable for the damage, except as otherwise provided by this Act, if —

- (a) the damage is of a kind which the animal, unless restrained, was likely to cause or which, if caused by the animal, was likely to be severe; and
- (b) the likelihood of the damage or of its being severe was due to characteristics of the animal which are not normally found in animals of the same species or are not normally so found except at particular times or in particular circumstances; and
- (c) those characteristics were known to that keeper or were at any time known to a person who at that time had charge of the animal as that keeper's servant or, where that keeper is the head of a household, were known to another keeper of the animal who is a member of that household and under the age of 16.

3 [Repealed]²

4 Liability for damage and expenses due to trespassing livestock

[P1971/22/4]

- (1) Where livestock belonging to any person strays on to land in the ownership or occupation of another and —
 - (a) damage is done by the livestock to the land or to any property on it which is in the ownership or possession of the other person; or
 - (b) any expenses are reasonably incurred by that other person in keeping the livestock while it cannot be restored to the person to whom it belongs or while it is detained, or in ascertaining to whom it belongs,the person to whom the livestock belongs is liable for the damage or expenses, except as otherwise provided by this Act.
- (2) For the purpose of this section, any livestock belongs to the person in whose possession it is.

5 Exceptions from liability under sections 2 to 4

[P1971/22/5]

- (1) A person is not liable under sections 2 to 4 for any damage which is due wholly to the fault of the person suffering it.
- (2) A person is not liable under section 2 for any damage suffered by a person who has voluntarily accepted the risk thereof.
- (3) A person is not liable under section 2 for any damage caused by an animal kept on any premises or structure to a person trespassing there, if it is proved either —
 - (a) that the animal was not kept there for the protection of persons or property; or

- (b) (if the animal was kept there for the protection of persons or property) that keeping it there for that purpose was not unreasonable.
- (4) [Repealed]³
- (5) A person is not liable under section 4 where the livestock strayed from a highway and its presence there was a lawful use of the highway.
- (6) In determining whether any liability for damage under section 4 is excluded by subsection (1), the damage shall not be treated as due to the fault of the person suffering it by reason only that he could have prevented it by fencing; but a person is not liable under that section where it is proved that the straying of the livestock on to the land would not have occurred but for a breach by any other person, being a person having an interest in the land, of a duty to fence.

6 Interpretation of certain expressions used in sections 2 to 5

[P1971/22/6]

- (1) The following provisions apply to the interpretation of sections 2 to 5.
- (2) A dangerous species is a species —
 - (a) which is not commonly domesticated in the British Islands; and
 - (b) whose fully grown animals normally have such characteristics that they are likely, unless restrained, to cause severe damage or that any damage they may cause is likely to be severe.
- (3) Subject to subsection (4), a person is a keeper of an animal if —
 - (a) he owns the animal or has it in his possession; or
 - (b) he is the head of a household of which a member under the age of 16 owns the animal or has it in his possession;

and if at any time an animal ceases to be owned by or to be in the possession of a person, any person who immediately before that time was a keeper thereof by virtue of the preceding provisions of this subsection continues to be a keeper of the animal until another person becomes a keeper thereof by virtue of those provisions.

- (4) Where an animal is taken into and kept in possession for the purpose of preventing it from causing damage or of restoring it to its owner, a person is not a keeper of it by virtue only of that possession.
- (5) Where a person employed as a servant by a keeper of an animal incurs a risk incidental to his employment, he shall not be treated as accepting it voluntarily.

Animals straying on to highway

7 Duty to take care to prevent damage from animals straying on to the highway

[P1971/22/8]

- (1) [Repealed]⁴
- (2) Where damage is caused by animals straying from unfenced land to a highway, a person who placed them on the land shall not be regarded as having committed a breach of the duty to take care by reason only of placing them there if —
 - (a) the land is situated in an area where fencing is not customary; and
 - (b) he had a right to place the animals on that land.

8 [Repealed]⁵

Supplemental

9 Application of certain enactments to liability under sections 2 to 4

[P1971/22/10]

For the purposes of the *Fatal Accidents Act 1981* the *Law Reform (Contributory Negligence) Act 1946* and the *Limitation Act 1984*, any damage for which a person is liable under sections 2 to 4 shall be treated as due to his fault.⁶

10 General interpretation

[P1971/22/11]

In this Act —

“**damage**” includes the death of, or injury to, any person (including any disease and any impairment of physical or mental condition);

“**fault**” has the same meaning as in the *Law Reform (Contributory Negligence) Act 1946*;

“**fencing**” includes the construction of any obstacle designed to prevent animals from straying;

“**livestock**” means cattle, horses, asses, mules, hinnies, sheep, pigs, goats and poultry, and also deer not in the wild state;⁷

“**poultry**” means the domestic varieties of the following, that is to say, fowls, turkeys, geese, ducks, guinea-fowls, pigeons, peacocks and quails; and

“**species**” includes sub-species and variety.

11 Amendments

The enactments specified in Schedule 1 shall be amended in accordance with that Schedule.

12 [Repealed]⁸**13 Short title and commencement**

- (1) This Act may be cited as the Animals Act 1981.
- (2) This Act shall come into operation one month after it has been passed.

SCHEDULE 1

AMENDMENT OF CERTAIN ENACTMENTS

Section 11

[Sch 1 amended by Agriculture (Miscellaneous Provisions) Act 2000 s 3, and amends the following Act –

Fees, Charges Etc. Enabling Act 1972 q.v.]

SCHEDULE 2⁹

ENDNOTES**Table of Endnote References**

¹ See section 13(2).

² S 3 repealed by Dogs Act 1990 Sch 4.

³ Subs (4) repealed by Dogs Act 1990 Sch 4.

⁴ Subs (1) repealed by Statute Law Revision Act 1997 Sch 2.

⁵ S 8 repealed by Dogs Act 1990 Sch 4.

⁶ S 9 amended by Limitation Act 1984 Sch 3.

⁷ Definition of “livestock” amended by Dogs Act 1990 Sch 4.

⁸ S 12 repealed by Statute Law Revision Act 1992 Sch 2.

⁹ Sch 2 repealed by Statute Law Revision Act 1992 Sch 2.