

Civil Liability for Animals

In May 1982, the Commission published its [Report on Civil Liability for Animals \(LRC 2-1982\)](#) which built on its 1977 [Working Paper on Civil Liability for Animals \(LRC WP 3-1977\)](#) and formed part of the Commission's First Programme of Law Reform. It should be noted, however, that the Report deals with certain matters not touched upon in the original Working Paper. The main such matter is the provision of a remedy where livestock stray on to property.

The Report recommends:

- (1) That the immunity of the keeper of straying animals for damage caused on the highway should be abolished; and
- (2) That the keeper of an animal that causes injury should be strictly liable therefor, but that this rule should be qualified in three ways:
 - a. It would be a defence for the keeper to show that the damage was attributable solely to an Act of God;
 - b. Ordinary negligence principles would apply where the person injured by the animal was a trespasser; and
 - c. The negligence of the injured person would be a ground for reducing damages

The recommendation of the Commission is that where livestock not under the control of any person stray on to land, the occupier of the land should be able to detain them for forty-eight hours. This period could be capable of extension where the Garda Síochána – and the keeper of the livestock if known – are notified of the detention. The keeper would be able to terminate the right to detain by tendering sufficient money to satisfy the detainer's claim for any damage caused and a power of sale at a market or by public auction would arise after fourteen days' detention. The Commission also recommends that where animals are found wandering on the public road, and their owner is not known, any member of the Garda Síochána should be empowered to impound the animals, and that, if the animals are not claimed by their owner within 14 days, it should be lawful to have them sold at a market or by public auction.

Draft Legislation in Report

The Report is accompanied by a draft *Animals Bill 1982*.

Information on Implementation

Recommendations of the Commission were implemented by the *Animals Act 1985*.