

## Stock on roads

# Farmers and road users — joint responsibility to exercise care

**Encountering a mob of sheep on the main highway may be a fascinating photo opportunity for tourists but for farmers and motorists the droving of stock on roads can be a hazardous and frustrating experience.**

The farmer's ability to drive stock on roads and the problem of straying stock has been the subject of numerous court cases in the past.

A law change this year has curtailed the rights of farmers with regard to droving stock and straying stock.

In the past, farmers have not been held liable for damage to vehicles caused by straying stock, the principle being that land users did not have any duty to road users and historically fences were there to keep stock out rather than in.

The Law Reform Act 1990 abolishes this principle.

Farmers can in effect now be held liable for damage caused to other person's property through stock straying onto the road through negligence or lack of reasonable care by the farmer in ensuring his stock is secure behind stock-proof fences.

Historically there has been a minimum of liability on farmers droving stock along highways with the major responsibility resting on the road user.

The law change means that while it is still lawful for farmers to drive their stock along a road, they may now be held liable for negligence if it is proved that they did not exercise reasonable care to prevent the animals causing damage to other persons and failed to exercise proper control over them.

Farmers should be ad-

removed, not, as is often the case, left in place for several days after.

And while liability may have shifted to the farmer, other road users still have a responsibility for exercising due care and attention and avoiding accidents with stock.

Failure to do so may result in them being held guilty through contributory negligence.

Where motorists see a stock warning sign, farmers' vehicles with flashing hazard lights and mobs of animals, then obviously the correct thing to do is to slow down.

Vehicles should be driven in low gear

through the mob, keeping at all times well over to one side — not, as many motorists attempt to do, drive through the middle of the mob with horn blaring causing chaos and scattering animals in all directions.

A motorist may be held liable if he/she negligently fails to anticipate that the stock being driven may run in front of the vehicle or negligently fails to avoid them or fails to slow down when nearing stock.

This law change was effected by the —  
Animals Law Reform Act 1989