

# Farmer given suspended jail sentence after man killed by cattle

A West Yorkshire farmer has avoided an immediate spell behind bars after his cattle trampled a man to death and left his wife paralysed.

Martin Howard Mitchell was given a six-month custodial sentence, which was suspended for 12 months following the incident on a farm in Netherton, Wakefield.

Michael Holmes, 57, had been walking on a public footpath with his wife Teresa and their dogs on 29 September 2020 when they entered a field containing cows and calves on Hollinghurst farm. The farmer had made no attempts to segregate the cows and calves from the footpath and the couple were attacked and trampled by the cattle.

Mr Holmes suffered fatal injuries and died at the scene while his wife sustained life changing injuries that have left her confined to a wheelchair as well as requiring extensive rehabilitation therapy and major adaptations to her home. Their two dogs, still attached to their leads, had managed to escape and were later found by one of the couple's neighbours.



Michael Holmes was killed while his wife Teresa was left paralysed

Their story shone a light on the dangers of cattle for dog walkers and farmers alike.

In a victim personal statement, Mrs Holmes said: "Having to cope with two traumas has been very difficult – losing Michael and suffering life changing injuries.

"I sustained a spinal cord injury which left me paralysed from the waist down.

"I now have to use a wheelchair. This has transformed my life beyond anything I could ever imagine.

"The course of my life, and my late husband's, has been thrown into great

turmoil as a result of the farmer's negligence."

An investigation by the Health and Safety Executive (HSE) found that Martin Mitchell had failed to ensure that the risks to members of the public were controlled, including that, where possible, cows with calves were suitably segregated from the public footpath.

Cows are known to be protective of their calves and unpredictable.

Key considerations for farmers and landowners include:

- where possible avoid putting cattle, especially cows with calves, in fields with public access.
- do all that they can to keep animals and people separated, including erecting fencing (permanent or temporary) e.g. electric fencing.
- Assess the temperament of any cattle before putting them into a field with public access.
- Any animal that has shown any sign of aggression must not be kept in a field with public access.
- Clearly sign post all public access routes across the farm. Display signage at all entrances to the field stating what is in the field (cows with calves / bulls).

Martin Howard Mitchell of Netherton, Wakefield pleaded guilty to breaching Section 3(2) of the Health & Safety at Work etc Act 1974. In addition to his suspended sentence he was also ordered to pay a fine and make a contribution towards costs.

After the hearing, HSE inspector Sally Gay commented: "Large animals can be a risk to people. Even a gentle knock from a cow can result in injury.

"Seemingly docile cattle can pose a risk to walkers when they are under stress or feel threatened, and can exhibit instinctive maternal or aggressive behaviour.

"This tragic incident could easily have been avoided if basic precautions had been taken by the farmer. Readily available HSE guidance states that, where possible, cows with calves should not be grazed in fields where there is a public right of way.

"Where this is not possible they should be segregated from the footpath by appropriate fencing where it is reasonable to do so."

The prosecution was brought by HSE enforcement lawyer Andy Siddall.

#### **Notes to Editors:**

1. [The Health and Safety Executive](#) (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted

interventions on individual businesses. These activities are supported by globally recognised scientific expertise.

2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. Advice for farmers, landowners and other livestock keepers on dealing with [the risks posed by cows with calves](#) is available.