WELSH STATUTORY INSTRUMENTS

2007 No. 702 (W.59)

DOGS, WALES

CONTROL OF DOGS

The Dog Control Orders (Miscellaneous Provisions) (Wales) Regulations 2007

Made - - - -	*6 March 2007*
Coming into force - -	*15 March 2007*

The National Assembly for Wales, being the appropriate person in relation to Wales as defined in section 66(b) of the Clean Neighbourhoods and Environment Act 2005(**1**), makes the following Regulations in exercise of the powers conferred upon it by sections 55(4) and (5), 56(1), (3), (4) and (5) and 67(1) of that Act.

Title, commencement and application

1.—(1) The title of these Regulations is the Dog Control Orders (Miscellaneous Provisions) (Wales) Regulations 2007.

(2) These Regulations come into force on 15 March 2007.

(3) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

"access authority" ("*awdurdod mynediad*") and "access land" ("*tir mynediad*") have the meaning they bear in Part I of the Countryside and Rights of Way Act 2000(**2**);

"the Act" ("*y Ddeddf*") means the Clean Neighbourhoods and Environment Act 2005;

"affected land" ("*tir yr effeithir arno*") means the land which is the subject of a dog control order or a proposal for a dog control order;

"Authority" ("*Awdurdod*") means either a primary authority ("*prif awdurdod*") or a secondary authority ("*awdurdod eilaidd*") as defined in section 58 (primary and secondary authorities) of the Act;

(**1**) 2005 c. 16.
(**2**) 2000 c. 37; for "access authority" see section 1(2) and for "access land" see section 1(1).

"local access forum" ("*fforwm mynediad lleol*") means a local access forum established under section 94 of the Countryside and Rights of Way Act 2000.

Consultation before making a dog control order

3. Before making a dog control order under section 55 of the Act, an Authority must—

(a) consult upon its proposal to make the order by causing to be published on its website a notice—

(i) identifying the affected land—

(aa) by description, and

(bb) where the proposed order refers to a map, by publication of that map;

(ii) identifying any access land comprised in the affected land;

(iii) setting out the general effect of the proposed order being made;

(iv) stating the period within which representations may be made in writing or by e-mail (being a period of not less than 28 days from the date on which the notice is first published in accordance with this paragraph);

(v) stating the address and e-mail address to which representations may be sent;

(b) where practicable, cause to be displayed at conspicuous positions on or near the affected land such notices as it considers sufficient to draw to the attention of members of the public using that land the effect of the proposed order being made.

4. Copies of the notice referred to in regulation 3(a) must be given by the Authority—

(a) to any other Authority having power under section 55 of the Act to make a dog control order in respect of any of the affected land;

(b) where any of the affected land is access land, to—

(i) the access authority for that access land;

(ii) the local access forum for that access land; and

(iii) the Countryside Council for Wales, in respect of any of that access land that is not situated in a National Park.

Procedure after making a dog control order

5. After making a dog control order, an Authority must, not less than seven days before the day on which the order is to come into force—

(a) cause to be displayed at conspicuous positions on or near the affected land such notices as it considers sufficient to draw to the attention of members of the public using that land the fact that an order has been made and the effect of the order having being made;

(b) publish on its website—

(i) a notice stating—

(aa) that the order has been made,

(bb) the place at which copies of it may be obtained;

(ii) a copy of the order,

(iii) a copy of any map referred to in the order;

(c) send the information referred to in paragraph (i) of sub-paragraph (b) to the persons specified in regulation 4.

Amendment and revocation of dog control orders: procedural requirements

6. Regulations 3, 4 and 5 apply to the amendment and revocation of a dog control order as if the references in those regulations to an order (or a proposed order) were references to an amendment or revocation (or a proposed amendment or proposed revocation, as the case may be) of an order.

Prescribed offences and penalties

7.—(1) For the purposes of section 55 of the Act, the prescribed offences are those set out in paragraph 1 of each of Schedules 1 to 5.

(2) The penalty to be provided in relation to any offence in a dog control order is, on summary conviction, a fine not exceeding level 3 on the standard scale.

(3) A dog control order may specify the times at which, or the periods during which, an offence is to apply.

Specified wording to be used in, and the form of, a dog control order

8. An Authority which makes a dog control order must—

(a) in providing for any offence, use the wording specified in the Schedule applying to that offence (under the heading "offence"); and

(b) in all other respects make the order in the form set out in the Schedule, or in a form substantially to the like effect.

Form of order amending a dog control order

9. An Authority which amends a dog control order must do so in accordance with Schedule 6.

Coming into force of a dog control order

10. The date of coming into force of a dog control order (including an order amending a dog control order) must be not less than 14 days after the date on which the order is made.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**3**)

D. Elis-Thomas
6 March 2007 — The Presiding Officer of the National Assembly

(**3**) 1998 c. 38

SCHEDULE 1

Regulations 7 and 8

OFFENCE OF FAILING TO REMOVE DOG FAECES AND FORM OF ORDER

1.—(1) Subject to sub-paragraphs (2) and (3), it is an offence when being in charge of a dog on land to which a dog control order (described as a "Fouling of Land by Dogs Order" in the form set out below) applies, not to remove faeces deposited by the dog at any time, or at any time during certain periods prescribed in the order.

(2) No offence is committed where a person has a reasonable excuse for failing to remove the faeces, or the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person failing to do so.

(3) The offence does not apply to a person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948(**4**), or to a person who has a disability which affects that person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by Dogs for the Disabled (registered charity number 700454), Support Dogs (registered charity number 1088281) or Canine Partners for Independence (registered charity number 803680) and upon which that person relies for assistance.

2. In any Fouling of Land by Dogs Order, the offence of failing to remove dog faeces is to be set out in full as stated in article 3 in the form of order given below.

3. In all other respects, a Fouling of Land by Dogs Order providing for that offence is to be in the form given below, or in a form substantially to the like effect.

Form of Order

The Clean Neighbourhoods and Environment Act 2005

The Dog Control Orders (Miscellaneous Provisions) (Wales) Regulations 2007 (SI 2007/702 (W.59)

The Fouling of Land by Dogs ([X](5)) Order [X](6)

The [X](**7**) hereby makes the following Order:

1. This Order comes into force on [X](**8**).

2. This Order applies to the land specified in [the Schedule] [Schedule 1](**9**).

Offence

3.—(1) If a dog defecates at any time[during the periods specified in Schedule 2](**10**) on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless—

(a) that person has a reasonable excuse for failing to do so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person failing to do so.

(2) Nothing in this article applies to a person who—

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

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(**4**)
(**5**) **Identify, specifically or generally, the land in respect of which the Order applies.**
(**6**) **Insert year in which Order is made.**
(**7**) Insert name of primary or secondary authority making the Order.
(**8**) Insert date Order comes into force, being at least 14 days after making of the Order.
(**9**) Specify whichever is the case.
(**10**) Specify periods if the Order is to apply only during certain periods of the year.

(b) has a disability which affects that person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance.

(3) For the purposes of this article—

(a) a person who habitually has a dog in their possession is taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

(b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;

(c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;

(d) each of the following is a "prescribed charity"—

(i) Dogs for the Disabled (registered charity number 700454);

(ii) Support Dogs (registered charity number 1088281);

(iii) Canine Partners for Independence (registered charity number 803680).

Penalty

4.

A person who is guilty of an offence under article 3 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

[Date]

[Attestation clause]

[SCHEDULE] [SCHEDULE 1](**11**)

[Specification/description of land, or lands, to which the Order applies](**12**)

[SCHEDULE 2

[Specification of times or periods during which the offence is to apply]](**13**)

SCHEDULE 2

Regulations 7 and 8

OFFENCE OF NOT KEEPING A DOG ON A LEAD AND FORM OF ORDER

1.—(1) Subject to sub-paragraph (2), it is an offence when being in charge of a dog on land to which a dog control order (described as a "Dogs on Leads Order" in the form set out below) applies, not to keep the dog on a lead or on a lead of a maximum length prescribed in the order, during such times or periods as may be prescribed.

(2) No offence is committed where a person has a reasonable excuse for failing to keep the dog on a lead, or the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to that person failing to do so.

2. In any Dogs on Leads Order, the offence of not keeping a dog on a lead is to be set out in full as stated in article 3 in the form of the order given below.

(**11**) Specify whichever is the case.
(**12**) Identify, either specifically or by description, the land to which the Order applies.
(**13**) If applicable, include Schedule 2 specifying times or periods.