Draft Regulations laid before Parliament under section 67(3) of the Clean Neighbourhoods and Environment Act 2005, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2006 No.

DOGS, ENGLAND

CONTROL OF DOGS

The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006

Made - - - - 2006

Coming into force in accordance with regulation 1(b)

The Secretary of State, being the appropriate person in relation to England as defined in section 66(a) of the Clean Neighbourhoods and Environment Act 2005(**1**), makes the following Regulations in exercise of the powers conferred by sections 55(4) and (5), 56(1) and (3) and 67(1) of that Act.

In accordance with section 67(3) of that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Title, commencement and application

1. These Regulations—

(a) may be cited as the Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006;

(b) come into force on the day after the day on which they are made;

(c) apply in England only.

Interpretation

2. In these Regulations—

"the Act" means the Clean Neighbourhoods and Environment Act 2005;

an "Authority" means either a primary authority or a secondary authority within the meaning of section 58 (primary and secondary authorities) of the Act.

(**1**) 2005 c. 16.

Prescribed offences and penalties

3.—(1) For the purposes of section 55(4) of the Act, the offences capable of being provided for in a dog control order 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

4. An Authority which makes a dog control order shall—

(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 said Schedule, or in a form substantially to the like effect.

Amendment of a dog control order

5. An Authority which amends a dog control order it has made shall do so in accordance with Schedule 6.

Coming into force of a dog control order

6. The date of coming into force of a dog control order (including an order amending a dog control order) shall be at least 14 days after the date on which the order is made.

Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

2006

SCHEDULE 1

Regulations 3 and 4

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 his 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, or to a person who has a disability which affects his 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 he 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 (Prescribed Offences and Penalties, etc.) Regulations 2006 (S.I.2006/[X])

The Fouling of Land by Dogs ([X](2)) Order [X](3)

The [X](**4**) hereby makes the following Order:

1. This Order comes into force on [X](**5**).

2. This Order applies to the land specified in [the Schedule] [Schedule 1](**6**).

Offence

3.—(1) If a dog defecates at any time[during the periods specified in Schedule 2](**7**) 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) he 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 his failing to do so.

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

(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

(b) has a disability which affects his 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 he relies for assistance.

(3) For the purposes of this article—

(a) a person who habitually has a dog in his possession shall be 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 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

[Date]

[Attestation clause]

*[SCHEDULE][SCHEDULE 1]**(8)***

[Specification/description of land, or lands, to which the Order applies](**9**)

[SCHEDULE 2

[Specification of times or periods during which the offence is to apply]](**10**)

SCHEDULE 2 Regulations 3 and 4

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.

(8) *Specify whichever is the case.*

(**9**) Identify, either specifically or by description, the land to which the Order applies.

(**10**) If applicable, include Schedule 2 specifying times or periods.

(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 his 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.

3. In all other respects, a Dogs on Leads 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 (Prescribed Offences and Penalties, etc.) Regulations 2006 (S.I.2006/[X])

The Dogs on Leads ([X](11)) Order [X](12)

The [X](**13**) hereby makes the following Order:

1. This Order comes into force on [X](**14**).

2. This Order applies to the land specified in [the Schedule] [Schedule 1](**15**).

Offence

3.—(1) A person in charge of a dog shall be guilty of an offence if, [at any time][during the [times][periods] specified in Schedule 2](**16**), on any land to which this Order applies he does not keep the dog on a lead[of not more than [X feet/inches] in length](**17**), unless—

(a) he 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 his failing to do so.

(2) For the purposes of this article a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

Penalty

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

[Date]

[Attestation clause]

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(11) ***Identify, specifically or generally, the land in respect of which the Order applies.***

(12) ***Insert year in which Order is made.***

(**13**) Insert name of primary or secondary authority making the Order.

(**14**) Insert date Order comes into force, being at least 14 days after making of the Order.

(**15**) Specify whichever is the case.

(**16**) Specify whichever of the options in square brackets is to apply.

(**17**) If this is to be specified, insert maximum length of lead.