

West Lancashire District Council Notice Of New Orders

THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

THE DOG CONTROL ORDERS (PRESCRIBED OFFENCES AND PENALTIES ETC.) REGULATIONS 2006

THE DOG CONTROL ORDER (PROCEDURES) REGULATIONS 2006

NOTICE IS HEREBY GIVEN that West Lancashire District Council has on 17th April 2008 made a **Dog Control Order** pursuant to its powers under the Clean Neighbourhoods and Environment Act 2005.

The Order will come into force on 1st May 2008

The Order will, subject to the exceptions described below, apply to all land which is within the administrative area of the District of West Lancashire and which the public are entitled or permitted to have access with or without payment. The orders will also apply to all Access Land within the District of West Lancashire.*

The Order – The Fouling of Land by Dogs (West Lancashire) Order 2008

Purpose

This order will make it an offence not to remove faeces deposited by a dog in your charge.

Scope

This order will apply to all the land mentioned above. The order will be in force on a '24 hours a day' basis.

Exemptions

This order will not apply to a person who is registered blind or to those who are disabled and use trained assistance dogs.

Penalties

The penalty in relation to any offence in the above Dog Control Order is a fixed penalty notice of £75 to be paid within 14 days.

If the Penalty Notice is not paid or is not appropriate West Lancashire District Council may prosecute the offender in the Magistrates Court. The maximum fine on summary conviction is £1000. [Correct as of 13/06/07]

Copies of this order will be kept at the offices of the Council at 52 Derby Street, Ormskirk and will be available for viewing on any weekday during the usual office hours and online at the Councils website.

Any objection to the confirmation of this Order should be made by letter addressed to The Legal Department, Council Offices, 52 Derby Street, Ormskirk, West Lancashire L39 2DF

* "Access Land" as defined by the Countryside and Rights of Way Act 2000 is land shown as open countryside on a map produced by an appropriate countryside body, registered common land, land situated more than 600 metres above sea level in areas where no open country map has been issued and land which has been dedicated as such by the Countryside and Rights of Way Act 2000.

D. P. Tilleray
Executive Manager Community
Services
West Lancashire District Council,
Westec House,
52 Derby Street,
Ormskirk, L39 2DQ
Dated: 17th April 2008
www.westlancsdc.gov.uk



The Clean Neighbourhoods and Environment Act 2005

The Dog Control Orders (Prescribed Offences and Penalties, etc.)
Regulations 2006 (S.I.2006/1059)

The Fouling of Land by Dogs (West Lancashire) Order 2008

The West Lancashire District Council hereby makes the following
Order:

1. This Order comes into force on 1st May 2008
2. This Order applies to the land specified in the Schedule.

Offence

3. —(1) If a dog defecates at any time 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.

(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.

Dated this 17th day of April 2008

THE COMMON SEAL of
WEST LANCASHIRE DISTRICT
COUNCIL was hereunto affixed
in the presence of:-



Authorised Officer

A handwritten signature in black ink that appears to read "L. A. Good".

SCHEDULE

This order applies to all land which is within the administrative area of the District of West Lancashire and which the public are entitled or permitted to have access with or without payment. The order will also apply to all Access Land within the District of West Lancashire within the meaning of s.1(1) Countryside and Rights of Way Act 2000