

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

OFFENCE OF FAILING TO REMOVE DOG FAECES and FORM OF ORDER

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

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Form of Order

The Clean Neighbourhoods and Environment Act (Northern Ireland) 2011

The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations
(Northern Ireland) 2012 (S.R. 2012 No. [])

The Fouling of Land by Dogs ([X](a)) Order [X](b)

[X](c) makes the following Order—

Commencement

1. This Order comes into operation on [X](d).

Application

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

Offence

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

- (a) the 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 the person failing to do so.

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

- (a) is registered as blind or partially sighted in Northern Ireland in a register maintained by, or on behalf of, a health and social services trust;
- (b) is registered as blind or partially sighted in a register compiled under section 29 of the National Assistance Act 1948; or
- (c) has a disability which affects the person's sight, 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 the person relies for assistance.

- (1) Identify, specifically or generally, the land in respect of which the Order applies.
- (b) Insert year in which Order is made.
- (c) Insert name of district council making the Order.
- (d) Insert date Order comes into force, being at least 14 days after the making of the Order.
- (e) Specify whichever is the case.
- (f) Specify periods if the Order is to apply only during certain periods of the year.

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(3) For the purposes of this Article—

- (a) a person who habitually has a dog in their 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; and
- (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);
 - (iv) Guide Dogs for the Blind Association (registered charity number 209617).

Penalty

4. A person 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](a)

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

[SCHEDULE 2]

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

- (1) Specify whichever is the case.
- (b) Identify, either specifically or by description, the land to which the Order applies.
- (c) If applicable, include Schedule 2 specifying times or periods.