
STATUTORY INSTRUMENTS

2006 No. 798

DOGS, ENGLAND

CONTROL OF DOGS

The Dog Control Orders (Procedures) Regulations 2006

<i>Made</i>	- - - -	<i>10th March 2006</i>
<i>Laid before Parliament</i>		<i>16th March 2006</i>
<i>Coming into force</i>	- -	<i>6th April 2006</i>

The Secretary of State is, in relation to England, the appropriate person as defined in section 66(a) of the Clean Neighbourhoods and Environment Act 2005⁽¹⁾, for the purpose of exercising the powers conferred by section 56(4) and (5) of that Act, and makes the following Regulations in exercise of those powers:

Title, commencement and application

1. These Regulations—
 - (a) may be cited as the Dog Control Orders (Procedures) Regulations 2006;
 - (b) come into force on 6th April 2006;
 - (c) apply in England only.

Interpretation

2. In these Regulations—
 - “access authority” and “access land” have the meaning they bear in Part I of the Countryside and Rights of Way Act 2000⁽²⁾;
 - “the Act” means the Clean Neighbourhoods and Environment Act 2005;
 - “Authority” means either a primary authority or a secondary authority as defined in section 58 (primary and secondary authorities) of the Act; and
 - “local access forum” means a local access forum established under section 94 of the Countryside and Rights of Way Act 2000.

(1) 2005 c. 16.

(2) 2000 c. 37; for “access authority” see section 1(2) and for “access land” see section 1(1).

Procedures before and after making, or amending, a dog control order

- 3.—(1) Before making a dog control order under section 55 of the Act, an Authority shall—
- (a) consult upon its proposal to make the order by publishing a notice of that proposal in a local newspaper circulating in the area in which the land in respect of which the order would apply is situated;
 - (b) consult every other Authority having power under section 55 of the Act to make a dog control order in respect of all or part of the land in respect of which the proposed order would apply; and
 - (c) where all or part of the land in respect of which the proposed order would apply is access land, consult—
 - (i) the access authority for that access land, and
 - (ii) the local access forum for that access land,and, in respect of any of that access land that is not situated in a National Park, the Countryside Agency.
- (2) The notice referred to in paragraph (1)(a) shall—
- (a) identify the land in respect of which the order is to apply, and, if any of the land is access land, state that this is the case;
 - (b) summarise the order;
 - (c) where the order refers to a map, state where the map may be inspected at an address within the Authority's area, and that any inspection shall be free of charge at all reasonable hours during the period mentioned in sub-paragraph (d);
 - (d) state the period within which representations may be made in writing or by e-mail, such period being not less than 28 days after the publication of the notice; and
 - (e) state the address and e-mail address to which representations may be sent.
- (3) After making a dog control order, an Authority shall, not less than seven days before the day on which the order is to come into force—
- (a) where practicable, place signs summarising the order in conspicuous positions on or near the land in respect of which it applies;
 - (b) publish, in a local newspaper circulating in the area in which the land in respect of which the order applies is situated, a notice that the order has been made and stating the place at which it may be inspected and copies of it obtained;
 - (c) make the information referred to in sub-paragraph (b) available on its website (if any);
 - (d) send the information referred to in sub-paragraph (b) to every other Authority having power under section 55 of the Act to make a dog control order in respect of all or part of the land in respect of which the order applies;
 - (e) where the order applies in respect of any access land, send the information referred to in sub-paragraph (b) to—
 - (i) the access authority, and
 - (ii) the local access forum,for that access land, and to the Countryside Agency.
- (4) This regulation shall apply to the amendment of a dog control order as if references to its making were to its being amended.

Revocation of a dog control order

- 4.—(1) Before revoking a dog control order it has made, an Authority shall—
- (a) consult upon its proposal to revoke the order by publishing a notice of that proposal in a local newspaper circulating in the area in which the land in respect of which the order applies is situated;
 - (b) consult every other Authority having power under section 55 of the Act to make a dog control order in respect of all or part of the land in respect of which the order applies; and
 - (c) where all or part of the land in respect of which the order applies is access land, consult—
 - (i) the access authority for that access land, and
 - (ii) the local access forum for that access land,and, in respect of any of that access land that is not situated in a National Park, the Countryside Agency.
- (2) The notice referred to in paragraph (1) shall—
- (a) identify the land in respect of which the order applies;
 - (b) summarise the order;
 - (c) where the order refers to a map, state where the map may be inspected at an address within the Authority's area, and that any inspection shall be free of charge at all reasonable hours during the period mentioned in sub-paragraph (d);
 - (d) state that representations may be made in writing or by e-mail within the period of 28 days after the publication of the notice; and
 - (e) state the address and e-mail address to which representations may be sent.
- (3) If an Authority decides to revoke a dog control order it shall—
- (a) publish a notice of that decision in a local newspaper circulating in the area in which the land in respect of which the order to be revoked is situated, and specifying the date (which shall not be earlier than the date on which the notice is published) on which the revocation is to have effect;
 - (b) make the information referred to in sub-paragraph (a) available on its website (if any);
 - (c) send the information referred to in sub-paragraph (a) to every other Authority having power under section 55 of the Act to make a dog control order in respect of all or part of the land in respect of which the order to be revoked applies
 - (d) where the order to be revoked applies in respect of any access land, send the information referred to in sub-paragraph (a) to—
 - (i) the access authority, and
 - (ii) the local access forum,for that access land, and the Countryside Agency.

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

Date 10th March 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Regulations prescribe the procedures to be observed by a primary or secondary authority (as described in section 58 of the Clean Neighbourhoods and Environment Act 2005(c. 16)) (an “Authority”) in making a dog control order (an “order”) under section 55 of that Act, or when amending or revoking such an order. (The offences and penalties capable of being included in, and model forms to be followed when making, a dog control order are prescribed in the Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006 (S.I. 2006/XXXX).)

The Regulations prescribe that before making an order an Authority shall consult on its proposal by publishing a notice in a newspaper circulating in the area in which the land to which the order would apply is situated (*regulation 3(1)(a)*) and shall also consult every other Authority that has the power to make an order in respect of all or part of the same land (*regulation 3(1)(b)*). The required contents of the newspaper notice are prescribed in *regulation 3(2)*.

Where any of the land to which a proposed order would apply is “access land” as defined in the Countryside and Rights of Way Act 2000(c. 37), additional consultees are prescribed in respect of that access land (*regulation 3(1)(c)*).

The Regulations require an Authority to publicise the making and effect of an order before it comes into force (*regulation 3(3)*).

The Regulations apply the same consultation and information requirements to the making of any amendment to an order (*regulation 3(4)*).

The Regulations also prescribe similar consultation and information requirements for the revocation of an order (*regulation 4*).

A full regulatory impact assessment of the effect of the then Clean Neighbourhoods and Environment Bill was prepared (dog control orders are dealt with on pp.58-60), and was deposited in the libraries of both Houses of Parliament; copies of it are available from the Department for Environment, Food and Rural Affairs, Ashdown House, 123 Victoria Street, London SW1E 6DE. A separate regulatory impact assessment has not been produced for these Regulations as they have no impact on the costs of business.