
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.