

SCHEDULE 1

Regulations 7 and 8

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 that person 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(1), or to a person who has a disability which affects that person’s 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 that person 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 (Miscellaneous Provisions) (Wales) Regulations 2007 ([SI 2007/702 \(W.59\)](#))

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) that 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 that person 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

(1)

(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.

Status: This is the original version (as it was originally made).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

- (b) has a disability which affects that person’s 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 that person relies for assistance.
- (3) For the purposes of this article—
 - (a) a person who habitually has a dog in their possession is 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

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A person who is 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](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)

(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.