

## SCHEDULE 5

Regulations 3 and 4

### OFFENCE OF TAKING MORE THAN A SPECIFIED NUMBER OF DOGS ONTO LAND and FORM OF ORDER

1.—(1) Subject to sub-paragraph (2), it is an offence when being in charge of more than one dog on land to which a dog control order (described as a “Dogs (Specified Maximum) Order” in the form set out below) applies, during such times or periods as may be specified in the order, to take more than the maximum number of dogs specified in the order onto that land.

(2) No offence is committed where a person has a reasonable excuse for taking more than the specified maximum number of dogs onto the land, or the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

2. In any Dogs (Specified Maximum) Order, the offence of taking more than a specified number of dogs onto land is to be set out in full as stated in article 4 in the form of order given below.

3. In all other respects, a Dogs (Specified Maximum) 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 (Prescribed Offences and Penalties, etc.) Regulations 2006 (S.I.2006/1059)

#### **The Dogs (Specified Maximum) [X](a) Order [X](b)**

The [X](c) hereby makes the following Order:

1. This Order comes into force on [X](d).
2. This Order applies to the land specified in [the Schedule] [Schedule 1](e).
3. On land to which this Order applies, the maximum number of dogs which a person may take onto that land is [X](f).

#### **Offence**

4.—(1) A person in charge of more than one dog shall be guilty of an offence if, [at any time][during the [times][periods] specified in Schedule 2](g), he takes onto any land in respect of which this Order applies more than the maximum number of dogs specified in article 3 of this Order, unless—

- (a) he has a reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

(2) For the purposes of this article 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.

#### **Penalty**

5. A person who is guilty of an offence under article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

[Date]

[Attestation clause]

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- (a) 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 primary or secondary authority making the Order.  
(d) Insert date Order comes into force, being at least 14 days after making of the Order.  
(e) Specify whichever is the case.  
(f) Insert desired maximum number.  
(g) Specify whichever of the options in square brackets is to apply.

**Status:** This is the original version (as it was originally made).

[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)

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(a) 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.