

## **The Clean Neighbourhoods and Environmental Act 2005**

### **The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations 2006**

#### **The Fouling of Land by Dogs (Borough of Stafford) Order 2008**

- 1 This Order comes into force on 11<sup>th</sup> February 2008.
- 2 This Order applies to the land specified in the Schedule

#### **Offence**

- 3 (1) If a dog defecates at any time on the land to which this Order applies and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless -
  - (a) he has 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 his 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
  - (b) has a disability which affects his 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 whom he relies for assistance.
- (3) For the purpose of this article -
  - (a) 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;
  - (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be 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 803 680)

**Penalty**

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

Date

THE COMMON SEAL of )  
 STAFFORD BOROUGH COUNCIL )  
 affixed hereto is authenticated by the )  
 undermentioned person authorised by )  
 the Council to act for that purpose: )

**Schedule**

- 1 This Order applies to all land which is within the administrative area of the Borough of Stafford and which is -
  - (i) Open to the air (which includes land that is covered but open to the air on at least one side); and
  - (ii) to which the public are entitled or permitted to have access with or without payment.
- 2 Excepted from the description in paragraph 1 above is -
  - (i) land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967
  - (ii) land designated by the Secretary of State as land which is not subject to the Order.