

**The Clean Neighbourhoods and Environment Act 2005  
The Dog Control Orders Regulations 2006  
(Prescribed Offences and Penalties, etc.)**

**The Fouling of Land by Dogs (Tamworth Borough Council) Order 2012**

Tamworth Borough Council hereby makes the following Order:

1. This Order comes into force on **1<sup>st</sup> August 2012**
2. This Order applies to the land specified in the Schedule below.

**Offence**

3. (1) If a dog defecates at any time 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) he 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 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 which he relies for assistance.

(3) For the purposes 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 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**

4. In lieu of prosecution for an offence under article 3, the alleged offender will be given the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty to the maximum allowed by statute (currently £80) with a reduction to £50 if paid within 7 days

Failure to pay the fixed penalty within fourteen days will lead to the instigation of legal proceedings. A person found guilty of an offence under article 3 in the Magistrate's Court shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Signed

Chief Executive

Date 12 July 2012

## **Schedule**

1. Subject to the exception in paragraph 2 below, this Order applies to all land which is within the area of Tamworth Borough Council 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; or
  - ii. agricultural land.