

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

**The Dog Exclusion (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 A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies 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.

3.2. 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) is deaf, in respect of a dog trained by the Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
- (c) has a disability which affects his mobility, manual dexterity, physical coordination 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.

3.3 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; and
- (b) 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 designated play areas (fenced or unfenced) within the Borough of Tamworth as follows – Amington Recreation Play Area, Beauchamp Road Play Area, Brendon /Ealingham Play Area, Castle Pleasure Grounds Activity Centre (former outdoor swimming baths), Castle Pleasure Grounds Play Area, Castle Grounds Skate Park, Castle Grounds Tennis Courts, Crowden Road Play Area, Dosthill Park Play Area, Hamble Play Area, Hawksworth Play Area, Irwell Play Area, Lakenheath Play Area, Lakeside Park Play Area, Linthouse Walk Play Area, Lothersdale Play Area, Park Farm Road Play Area, Parkfield Crescent Play Area, Rainscar Play Area, Reedmace Play Area, St Georges Way/Rosemary road Play Area, Wigginton Park Play Area
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.