

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

The Dogs On Lead By Direction (Tamworth Borough Council) Order 2012

Tamworth Borough Council hereby makes the following Order:

1. This Order comes into force on **1st August 2012**
2. This Order applies to the land specified in the Schedule below.
3. In this Order “an authorised officer of the Authority” means an employee of the Authority or other persons authorised in writing by the Authority for the purpose of giving directions under this Order.

Offence

4.1 A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies, he does not comply with a direction given him by an authorised officer of the Authority to put and keep a dog on a lead 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.

4.2 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) an authorised officer of the Authority may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person [on any land to which this Order applies] or the worrying or disturbance of any animal or bird.

Penalty

5. 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.