

**The Clean Neighbourhoods and Environment Act 2005**

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

**The Fouling of Land by Dogs South Northamptonshire  
Council Order 2008**

South Northamptonshire Council (in this Order called "the Authority") hereby makes the following Order:

1. This Order comes into force on [to be determined]
2. This Order applies to the land specified in the Schedule below.

**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.
- 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) 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.
- 3.3 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; or
  - (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;

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- (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

Chief Executive

(12)

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## Schedule

1. Subject to the exception in paragraph 2 below, this order applies to all land which is within the administrative area of South Northamptonshire 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.