

THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

**THE DOG CONTROL ORDERS (PRESCRIBED OFFENCES AND PENALTIES, etc.)
REGULATIONS 2006 (S.I 2006/1059)**

THE FOULING OF LAND BY DOGS (PRESTON CITY COUNCIL) ORDER 2012

The Preston City Council (in this Order called "the Council") hereby makes the following Order:

1. This Order comes into force on 1st March 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 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 803680).

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.

SCHEDULE
(Description of land to which the Order applies)

This Order applies to all land within the administrative area of the 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.

THE COMMON SEAL of)
PRESTON CITY COUNCIL)
was hereto affixed the *1ST*)
day of February 2012)
in the presence of:-)

