



The Clean Neighbourhoods and Environment Act 2005

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

The Fouling of Land by Dogs within the district of South Kesteven Order 2010

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

1. This Order comes into force on the 31st January 2011.
2. This Order applies to the land specified in Schedule 1.

Offence

3. (1) If a dog defecates at any time during the period set out in Schedule 2 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.
- (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) 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 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 Order Made – 9th December 2010

Executed as a Deed by affixing the)

COMMON SEAL of SOUTH)

KESTEVEN DISTRICT COUNCIL)

In the presence of:-)



Schedule 1

This Order applies to all land which is within the administrative area of South Kesteven District Council, see attached plan edged red, 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.

Schedule 2

The times and periods which the offence applies is all day and every day, commencing on the 31st January 2011 which is the date which this Order comes into effect