

THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT
ACT 2005
THE DOGS CONTROL ORDERS (PRESCRIBED OFFENCES
AND PENALTIES ETC.) REGULATIONS 2006 (SI2006/1059)
THE FOULING OF LAND BY DOGS (BOROUGH OF TEST VALLEY)
ORDER 2006

ANNEX 3

THE TEST VALLEY BOROUGH COUNCIL hereby makes the following Order:

1. This Order comes into force on 14th November 2006.
2. This Order applies to the land specified in the Schedule.

OFFENCE

3. (i) 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.
- (ii) 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.
- (iii) 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;
 - (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a 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).

4. **PENALTY** 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.

THE SCHEDULE

All land within the administrative area of the Borough of Test Valley which is open to the air and to which the public are entitled or permitted to have access (with or without payment), but excluding

- (a) any land designated under sub-section 3 of Section 57 of the Clean Neighbourhoods and Environment Act 2005; and
- (b) any land in respect of which notice has been given in accordance with sub-section 5 of Section 57 of that Act

and for the purposes of this Order any land which is covered is to be treated as land which is "open to the air" if it is open to the air on at least one side.

THE COMMON SEAL OF TEST VALLEY
BOROUGH COUNCIL was hereunto affixed)
this 24th day of October 2008 in the)
presence of:-)

Member

S. J. Davey
Authorised Officer Signatory

