



**THE FOULING OF LAND BY DOGS
(SHROPSHIRE COUNCIL)
DOG CONTROL ORDER 2013**

SHROPSHIRE COUNCIL

The Clean Neighbourhoods & Environment Act 2005

The Fouling of Land by Dogs (Shropshire Council) Dog Control Order 2013

Commencement and title and interpretation

Shropshire Council, (herein this Order called "the Authority") in exercise of its powers under section 55 of The Clean Neighbourhoods and Environment Act 2005, The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006 (S.I. 2006/1059) and all other enabling powers, hereby makes the following order.

1. This Order comes into force on 1st November 2013
2. This Order applies to the land specified in the Schedule.
3. This Order shall be cited as 'The Fouling of Land by Dogs (Shropshire Council) Dog Control Order 2013'.
4. In this Order "an authorised officer of the Authority" means a representative of the Authority or an employee of West Mercia Police or a representative of a Secondary Authority (Parish or Town Council) who is authorised in writing by the Authority for the purpose of giving directions under this Order.

Offence

5. (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.

27 September 2013

(3) 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.

Penalty

6. A person who is guilty of an offence under article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Revocations

7. For the avoidance of doubt the following orders shall cease to have effect on the coming in to force of this order:

The Fouling of Land by Dogs (Borough of Oswestry) Control Order 2007
The Fouling of Land by Dogs (Shrewsbury & Atcham Borough Council) Order 2007
The Fouling of Land by Dogs (South Shropshire District Council) Control Order 2007

THE COMMON SEAL of
SHROPSHIRE COUNCIL

was affixed to this Order

on the

16th day of October 2013

in the presence of:-

298039

H. Pawell

Authorised Signatory

SCHEDULE

Land designated by description

This Order shall apply to any land within the administrative area of Shropshire Council which is open to the air, including covered land which is open to the air on at least one side and to which the public are entitled or permitted to have access with or without payment of the following descriptions:

(a) Any highway, footways, footpaths and towpaths within the area of Shropshire Council over which the public have a right of way on foot, together with any adjoining verges which are maintained at public expense. This may include some areas of access land.

(b) All pedestrianised areas within the area of Shropshire Council to which the public have a right of access.

(c) All open spaces which are owned, occupied or maintained by or on behalf of Shropshire Council, a Registered Social Landlord/Housing Association or any Town or Parish Councils, and any public open space held by any Body on behalf of a community within Shropshire Council.

(d) Any cemetery, burial ground or churchyard.

The exceptions to which the provisions of the order will NOT apply are:

- a) Forestry Commission land, or
- b) Land designated by the secretary of state as land which is not subject to the Order