

The Clean Neighbourhoods and Environment Act 2005

**The Dog Control Orders (Prescribed Offences and Penalties, etc.)
Regulations 2006 (S.I. 2006/1059)**

**The Nottingham City Council Fouling of Land by Dogs and Dogs on
Leads by Direction (Chediston Vale Open Space and Children's
Playground) Order 2011**

Nottingham City Council (in this Order called "the Authority") hereby makes the following Order:

1. This Order comes into force on 1 October 2011
2. This Order applies to the land specified in the Schedule
3. In this Order "an authorised officer of the Authority" means an employee of the Authority who is authorised in writing by the Authority for the purpose of giving directions under this Order.

Offences

Fouling of Land by Dogs

4. (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 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).

Dogs on Leads by Direction

5. (1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies, he does not comply with a direction given him by an authorised officer of the Authority to put and keep the dog on a lead 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) 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) an authorised officer of the Authority may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person on any land to which this Order applies or the worrying or disturbance of any animal or bird.

Penalty

6. A person who is guilty of an offence under article 4 or 5 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date: 22nd August 2011

Given under the Common Seal of }
NOTTINGHAM CITY COUNCIL }



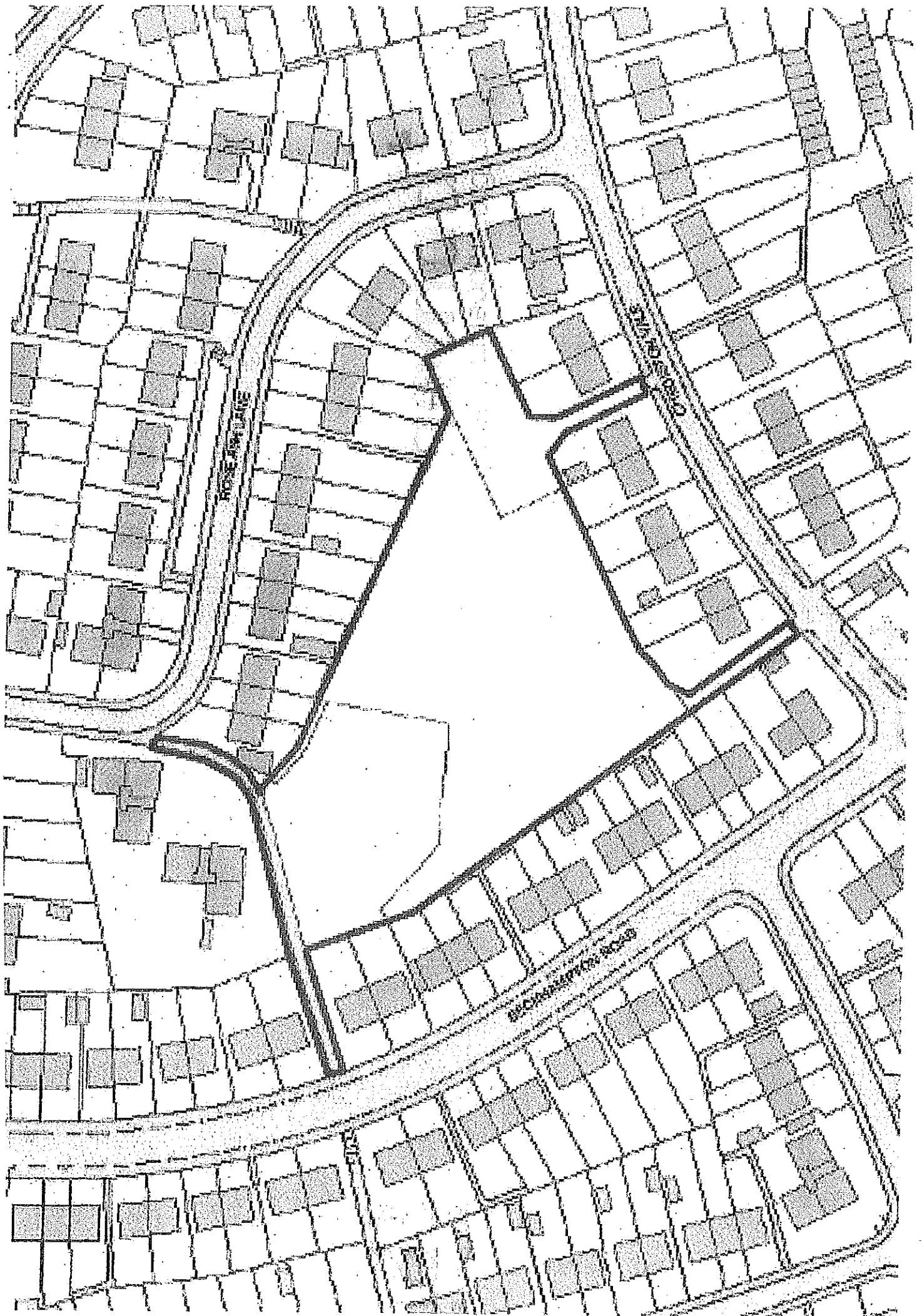

Authorised Signatory

SCHEDULE

This Order applies to:-

1. the Chediston Vale open space and children's playground
2. the footpaths connecting Chediston Vale open space and children's playground to
 - a. Roseash Lane
 - b. Beckhampton Road
 - c. Chediston Vale
3. the car park area and access road from Chediston Vale

as shown edged red on the attached Plan



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Vale Open Space and Children's
Playground) Order 2011**

Nottingham City Council
Loxley House
Station Street
Nottingham
NG2 3NG

Authority
Area 2 Committee:
27 July 2011
Minute No: 11