



**NOTTINGHAM CITY COUNCIL FOULING OF LAND BY DOGS AND
REQUIREMENT TO PRODUCE DEVICE FOR OR OTHER SUITABLE
MEANS OF REMOVING DOG FAECES PUBLIC SPACES
PROTECTION ORDER 2016**

**(ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014,
CHAPTER 2 SECTION 59 – 75)**

1. Nottingham City Council being satisfied that dog faeces which is not removed from land forthwith has a detrimental effect on the quality of life of the general public in the locality of the Restricted Area, the public health implications of dog faeces being well documented hereby makes the following Order
2. In this Order:-

The Authority	means Nottingham City Council
Authorised Officer of the Authority	means an employee of the Authority who is authorised in writing by the Authority for the purpose of Article 5 of this Order
Person in Charge	means the person who has the dog in his possession, care or company at the time the Relevant Offence is committed, or, in respect of Article 4 only, if none, the owner or person who habitually has the dog in his possession
Prescribed Charity	means any of the following:- (i) registered charity number 700454 (Dogs for the Disabled); (ii) registered charity number 1088281 (Support Dogs); (iii) registered charity number 803680 (Canine Partners for Independence).
Relevant Land	the piece of land in the Restricted Area where the fouling occurred for the purposes of Article 4
Relevant Offence	an offence under Article 4 or 5 of this Order
Restricted Area	means the land designated in the Schedule to this Order

3. This Order comes into force on [insert date] 2016 and remains in effect for a period of three years from that date

Offences

Fouling of Land by Dogs

4.
 - (1) If a dog defecates at any time on land in the Restricted Area and the Person in Charge of the dog at that time fails to remove the faeces from the Relevant 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 Relevant Land has consented (generally or specifically) to his failing to do so
 - (2) For the purposes of this Article –
 - a) 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;
 - b) 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

Failure to produce device for or other suitable means of removing dog faeces on demand

5. A Person in Charge and in the company of a dog on the Restricted Area shall be guilty of an offence if, on the request of an Authorised Officer of the Authority he fails to forthwith produce a device for or other suitable means of removing dog faeces and transporting it to a suitable waste disposal receptacle (whether or not the dog has defecated) unless
 - a) he has a reasonable excuse for not doing so

Exemptions

6. Nothing in Articles 4 and 5 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

SCHEDULE OF LAND

This Order applies to all land in the administrative area of the Authority that is open to the air and to which the public are entitled or permitted to have access (with or without payment). For the purposes of this Schedule 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.

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