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The Fouling of Land by Dogs (Wiltshire Council) Order 2012

The Clean Neighbourhoods and Environment Act 2005

The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations 2006 (S.1.2006/1059)

The Wiltshire Council hereby makes the following Order:

- 1 This Order comes into force on.
- 2 This Order applies to any land to which the description in Schedule 1 applies and to the land listed in Schedule 2.

Offence

- 3 (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 applied 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;

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- (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

- 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.

Revocations

- 5 For the avoidance of doubt the following Orders shall cease to have effect on the coming into force of this order:

The Fouling of Land by Dogs (Kennet District Council) Order 2006
The Fouling of Land by Dogs (West Wiltshire District Council) Order 2007
The Fouling of Land by Dogs North Wiltshire District Council Order 2007

THE COMMON SEAL of
WILTSHIRE COUNCIL
Was hereto affixed in the presence of

Authorised Officer:

Officer:

SCHEDULE 1 **Land designated by description**

Any land within the administrative area of Wiltshire 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 Wiltshire 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.

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- (b) All pedestrianised areas within the area of Wiltshire 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 Wiltshire Council, a Registered Social Landlords/Housing Association or any Town or Parish Councils, and any public open space held by any Body on behalf of a community within Wiltshire Council.
- (d) Any cemetery, burial ground or churchyard.

Schedule 2 Land designated specifically

- (e) The Common, Broughton Gifford; Norrington Common, Broughton Gifford (which comprises two areas of land)
- (f) The Carpark and Open space at the Westbury White Horse south of Westbury Hill

Exempted Land:

- (a) any woodland, marsh, or agricultural land.