



High Peak Borough Council

working for our community

The Clean Neighbourhoods and Environment Act 2005

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

The Fouling of Land by Dogs (High Peak Borough Council) Order 2014

The High Peak Borough Council hereby makes the following Order:

1. This Order is made 14th October 2014 and comes into force on 24th October 2014.
2. This Order applies to the land specified in the Schedule.

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 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 coordination 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 purpose 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

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.

IN WITNESS whereof the COMMON SEAL)
of HIGH PEAK BOROUGH COUNCIL)
was hereunto affixed this)
14th day of October 2014)
In the presence of:)



N. B.

Solicitor

SCHEDULE

This Order applies to all land within the area of High Peak Borough Council that is open to the air and to which the public are entitled or permitted to have access (with or without payment) including access land as defined in section 1 of the Countryside and Rights of Way Act 2000. This includes, but is not limited to all footpaths, the footways and carriageways of every highway (including tree bases and grass verges) and every cemetery, park, public garden and open space including land owned by parish and town councils.



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The Clean Neighbourhoods and Environment Act 2005

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

**The Dogs on Leads by Direction (High Peak Borough Council) Order
2014**

The High Peak Borough Council hereby makes the following Order:

1. This Order is made 14th October 2014 and comes into force on 24th October 2014.
2. This Order applies to the land specified in the Schedule.
3. In the 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.

Offence

4.-(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 of not more than six feet in length, 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 is likely to cause annoyance or disturbance to any other person or the worrying or disturbance of any animal or bird.

Penalty

5. 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.

IN WITNESS whereof the COMMON SEAL)
of HIGH PEAK BOROUGH COUNCIL)
was hereunto affixed this)
14th day of October 2014)
In the presence of:)

W. A. B.



Solicitor

SCHEDULE

This Order applies to all land within the area of High Peak Borough Council which is open to the air and to which the public are entitled or permitted to have access (with or without payment) including access land as defined in section 1 of the Countryside and Rights of Way Act 2000. It includes, but is not limited to, all footpaths, the footways and carriageway of every highway (including tree bases and grass verges) and every cemetery, park, public garden and open space including land owned by parish and town councils.