

THE ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

**The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations
2005 (S.I.2006/1059)**

THE FOULING OF LAND BY DOGS (MEDWAY COUNCIL AREA) ORDER 2021

The Medway Council hereby makes the following Order:

1. This Order comes into force [insert date]
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, other person or occupier 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. is registered as a blind person in a registration compiled under Section 20 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 for he relies upon for assistance.

(3) For the purposes of the 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 land which is provided for the purpose, or the disposal of waste, shall be sufficient removal from the land.
- c. being unaware of the defecation (whether by not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be reasonable excuse for not removing 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.

Given under the Common Seal of the Council this [insert date]

EXECUTED AS A DEED

By affixing THE COMMON

SEAL OF MEDWAY COUNCIL

In the presence of

Authorised Signatory

SCHEDULE

This Order applies to all land which is open to the air and to which the public are entitled or permitted to have access (with or without payment) with the Medway Council area shown delineated in red on the plan attached hereto.