

**South Derbyshire Fouling of Land by Dogs  
Public Spaces Protection Order 2017**



Notice is hereby given that South Derbyshire District Council ("the Council") has made the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"):

**1.** The Order may be cited as the South Derbyshire Fouling of Land by Dogs Places Public Spaces Protection Order and came into force on 27<sup>th</sup> day of January 2017 for a duration of 3 years.

**2.** This Order applies to all land open to the public within the District of South Derbyshire.

**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 effects 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;

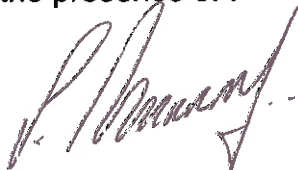
(d) each of the following is a "prescribed charity"-

- (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);

## Penalty

4. A person who is guilty of an offence under paragraph 3 of this Order shall under section 67 of the Act be liable on summary conviction to a fine not exceeding level 3 on the standard scale or a fixed penalty notice of a fee set by the relevant Council Committee not exceeding a maximum of £100.

The Common Seal of South Derbyshire District Council  
was hereunto affixed this 27<sup>th</sup> day of January 2017  
in the presence of :



Chairman of the Council



11609



Chief Executive