

The Clean Neighbourhoods and Environment Act 2005
The Dog Control Orders (Prescribed Offences and Penalties, etc.)
Regulations 2006
The Fouling of Land by Dogs Borough of Rugby Order 2009

Rugby Borough Council (hereinafter called "the Council") make the following Order:

1. This Order comes into force on 27th July 2009.
2. This Order applies to the land specified in the Schedule.

3. Offence

- (1) If a dog defecates at any time on the land to which this Order applies and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless –
 - (a) he has 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 co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon whom 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 purpose, or for the disposal of waste, shall be 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 803 680)

4. Penalty

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.

Schedule

1. This order will require people in control of a dog to immediately remove faeces deposited by their dog and applies to all land in the Borough of Rugby which is open to the air (which includes land that is covered but 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.
 - a) All streets and pavements throughout the Borough
 - b) All Council owned land including parks, gardens, recreation and sports grounds, cemeteries, open spaces, car parks and parking places.
 - c) All land belonging to County and Parish Councils to which the public have access.
 - d) All rights of way that cross land owned by the County, Borough and Parish Councils.
 - e) All other land in the open air to which the public have access to with or without payment.

2. Exempted from the description in paragraph 1 above is -
 - (i) land that is placed at the disposal of the Forestry Commissioners under section 39 (1) of the Forestry Act 1967

THE COMMON SEAL of RUGBY)
BOROUGH COUNCIL was hereunto)
affixed on the 13th day of July 2009)
in the presence of:)

Head of Democratic & Legal Services