

THE FOULING OF LAND BY DOGS (MAIDSTONE) ORDER 2013

The Clean Neighbourhoods and Environment Act 2005

**The Dog Control Orders (Prescribed Offences and Penalties etc)
Regulations 2006 (SI2006/1059)**

Maidstone Borough Council (in this order called 'the Council') makes the following Order:

- 1) This Order comes into force on the 8th day of April 2013
- 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 doing so; or
 - b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing 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) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance or
 - c) 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 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) each of the following is a "prescribed charity"-
 - i) Dogs for the Disabled (registered charity number 700454)
 - ii) Support Dogs (registered charity number 1088281)

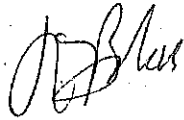
iii) Canine Partners for Independence (registered charity number 803680)

Penalty

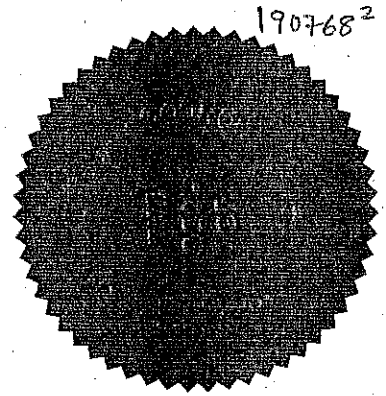
- 4) A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Given under the common seal of Maidstone Borough Council this
19th day of March 2013

The COMMON SEAL of
MAIDSTONE BOROUGH COUNCIL
was hereunto affixed
in the presence of:



Solicitor - Authorised Signatory



SCHEDULE 1

This Order applies to all land within the Maidstone Borough area which is-

Open to the air and to which the public are entitled or permitted to have access (with or without payment).

(Any land that is covered shall be treated as land that is 'open to the air' if it is open to the air on at least one side).