

## **South Derbyshire Fouling of Land by Dogs Public Spaces Protection Order 2023**



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> January 2023 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;

(a) 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 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 15 day of November 2022  
in the presence of:



Chairman of the Council

Chief Executive Strategic Director