

The Clean Neighbourhoods and Environment Act 2005

The Dog Control Orders (prescribed Offences And Penalties, etc) Regulations
2006 (SI 2006/1059)

**The Fouling of Land by Dogs (Borough of Basingstoke & Deane - Stratton
Park Playing Field) Order 2012**

Basingstoke and Deane Borough Council (in this Order called "the Council")
hereby makes the following Order:

- 1 This Order comes into force on 1st day of February 2012.
- 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, 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 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 article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

DATE 16th day of January 2012

The COMMON SEAL of the
BASINGSTOKE AND DEANE
BOROUGH COUNCIL was
hereunto affixed in the presence of:-

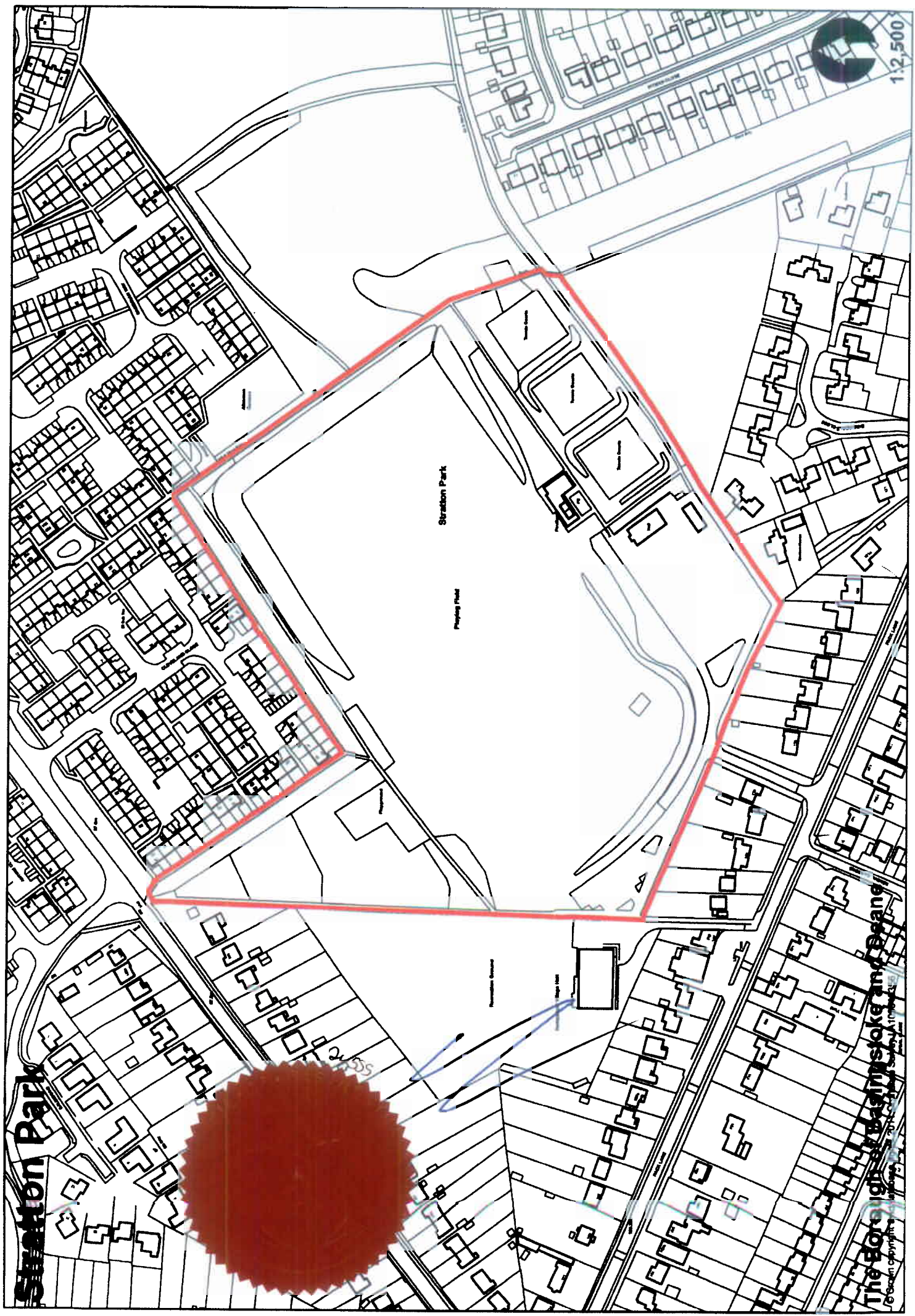
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Head of Shared Legal Services



SCHEDULE

1. Stratton Park Playing Field Buckskin Basingstoke as shown edged red on the plan attached hereto (Appendix 1).

APPENDIX 1



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Stratton Park

Ponding Pond

Stratton Park

The Edge of the Brambleyoke and Brang

