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 -
Beggarwood Park) 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:--

Head of Shared Legal Services
SCHEDULE

1. Beggarwood Park Hatch Warren Basingstoke as shown edged red on the plan attached hereto (Appendix 1).
APPENDIX 1