

Anti-Social Behaviour Crime & Policing Act 2014 Cornwall Council Public Space Protection (Dog Fouling) Order 2023

Cornwall Council hereby makes the following Order:

1. The Order comes into force on 15 October 2023 for a period of 3 years

2. This Order applies to the land specified in the Schedule

Offence

3. If a dog defecates at any time 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 if he does not comply with this order, unless

(a) one 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.

4. A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time.

Placement of the faeces in a container on the land which is for this purposes, or for the disposal of waste, shall be sufficient removal from the land

Being unaware of the defecation shall not be a reasonable excuse for not complying with this Order.

Exemptions

5. This Order does not apply to any person who;

(a) is registered as a blind person in a register compiled under Section 29 or the National Assistance Act 1948; or

(b) is deaf, in respect of a dog trained by Hearing Dog for Deaf People and upon which he relies for assistance; or

(c) has, a disability which requires being in charge of an Assistance Dog registered with Assistance Dogs UK and upon which he relies for assistance.

(d) Working Dogs: When actually working e.g. those working on a land under the control of a farm worker when moving livestock. Working dogs includes dogs that are being used in connection with emergency Search and Rescue, Law Enforcement and the work of the HM Armed Forces.

Penalty

6. Failure, without a reasonable excuse, to comply with the prohibitions imposed by this Order, as set out above would be a criminal offence.

A person found guilty of such an offence, under Section 67 of the Act, would be liable on summary conviction to a fine not exceeding level 3 (£1,000) on the standard scale.

A Police Officer, Police Community Support Officer or authorised person from the Council under Section 68 of the Act, may issue a fixed penalty notice in the sum of £100, to a person believed to have committed an offence under this Order this discharging liability for prosecution.

Given the Common Seal of Cornwall Council

Executed as an Order by)


THE CORNWALL COUNCIL)

Whose common seal was hereunto)

Affixed in the presence of)



070185


JENNA RYDER
Authorised Officer

This 25th day of October 2023

SCHEDULE

This order applies 24 hours, 365 days of each given year to the following land:

The Order shall apply to all land which is open to the air and to which the public are entitled or permitted to have access, with or without payment, within the County of Cornwall other than land which is at the disposal of the Forestry Commissioners under Section 39(1) of the Forestry Act 1967.