

**THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT  
2005**

**THE DOG CONTROL ORDERS (PRESCRIBED OFFENCES AND  
PENALTIES, ETC.) REGULATIONS 2006 (S.I.2006/1059)**

**THE FOULING OF LAND BY DOGS, DOGS ON LEADS AND  
DOG EXCLUSION (BUSH LANE PLAYING FIELDS,  
FRECKLETON) ORDER 2009**

The Freckleton Parish Council hereby makes the following Order

1. This Order comes into force on 1 March 2009.
2. "The Plan" means the plan attached to and forming part of this Order.

**Part I: Fouling of Land by Dogs**

3. This part of the Order applies to the land specified in Schedule 1.

**Offence**

4. —(1) If a dog defecates at any time on land to which this part of the 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**

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

### **Part II: Dogs on Leads**

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

### **Offence**

7. —(1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this part of the Order applies he does not keep the dog on a lead, 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) For the purposes of this article 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.

### **Penalty**

8. A person who is guilty of an offence under article 7 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **Part III: Dogs Exclusion**

9. This part of the Order applies to the land specified in Schedule 3.

### **Offence**

10. —(1) A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies 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 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; and

(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**

**11** A person who is guilty of an offence under article 10 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

19 January 2009

**Given under our hands and seal this Nineteenth day of January 2009**

S. Delany



M. Whitehead



**Chairman**

**Vice Chairman**

### **Members of Freckleton Parish Council**

#### SCHEDULE 1: FOULING OF LAND BY DOGS

The areas of land at Freckleton, Lancashire shown hatched in blue and hatched in green on the Plan and known as Bush Lane Playing Fields.

#### SCHEDULE 2: DOGS ON LEADS

The area of land at Freckleton, Lancashire shown hatched in blue and shaded pink on the Plan.


#### SCHEDULE 3: DOGS EXCLUSION

The area of land at Freckleton, Lancashire shown hatched in blue on the Plan with the exception of that part shown shaded pink.



FRECKLINGTON PARISH COUNCIL  
DOG BANNING ORDERS 2009



 = a 2 metre strip of land, adjacent to the boundary of the field, on the east, north and west side and as near as practically possible on the south side