WEST DEVON BOROUGH COUNCIL

THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

The Dog Control Orders (Prescribed Offences and Penalties etc) Regulations 2006 (SI 2006/1059)

BOROUGH OF WEST DEVON DOG EXCLUSION ORDER 2014

West Devon Borough Council (in this Order called "the Council") hereby makes the following Order:

1. Citation and Commencement

2. This Order was approved and made by the Council on the 7th October 2014 and comes into operation on 22nd October 2014 and may be cited as the Borough of West Devon Dog Exclusion Order 2014.

3. This Order applies to the land specified in Schedule below.

4. In this Order "an Authorised Officer of the Council" means an employee of the Council, or, anyone who acts in the capacity of an agent of the Council under a contract, who is authorised in writing by the Council for the purpose of giving directions under this Order, or, any other such person who may be authorised by the Authority or by legislation (e.g. Police Community Support Officer) to enforce this Order.

5. Any reference to 'he' or 'him' or 'his' applies to any gender.

6. Offence

(1) A person in charge of a dog (or if a minor, the person responsible for the dog) shall be guilty of an offence if, at any time, he/ she 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, or 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 a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

(b) relies upon an assistance dog that is with him and which has been trained by a registered charity to perform that role; or
(c) is in charge of a dog for the time being employed for purposes in relation to agriculture, hunting, pest control, the police or rescue services.

(3) For the purpose 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.

7. Penalty

A person who commits an offence under this Order may either be issued with a Fixed Penalty Notice by an Authorised Officer for the sum of £80 (or any other such sum as may from time to time be permitted by legislation) OR be summoned, and if found guilty in the Magistrates' Court shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or any other penalty as may from time to time be permitted by legislation.

THE COMMON SEAL of WEST DEVON
BOROUGH COUNCIL was hereunto affixed
in the presence of:-

Mayor

Authorised Officer
SCHEDULE

All land within the Council’s administrative area comprising:
- Any fenced, hedged or walled children’s play area
- Any fenced, hedged or walled bowling green
- Any fenced, hedged or walled tennis court
- Any fenced, hedged or walled skateboard or BMX park
- Any fenced, hedged or walled putting green
- Any sporting or recreational facility pitch when sport is in play

The following listed locations:
Memorial Park, North Tawton
Jubilee Field, Chagford
Primary School Fields, Mary Tavy
Cemetery, Plymouth Road, Tavistock
Village Green, Sampford Courtenay
Recreation Field, Lamerton