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 DOGS ON LEADS BY DIRECTION 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 Dogs on Leads by Direction 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, on any land to which this Order applies, he does not comply with a direction given to him by an authorised officer of the Authority to put and keep the dog on a lead, 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 failing to do so.

(2) 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) an Authorised Officer of the Council may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause
annoyance or disturbance to any other person (on any land to which this or related Order(s) applies) or the worrying or disturbance of any animal or bird.

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

1. Subject to the exception in Paragraph 2 below, all land which is in the administrative area of the Council and which is:

   (i) open to the air (which includes land that is covered but open to the air on at least one side); and

   (ii) to which the public are entitled or permitted to have access (with or without payment).

2. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39 (1) of the Forestry Act 1967.