



# Clean Neighbourhoods and Environment Act 2005

## 2005 CHAPTER 16

### PART 6

#### DOGS

#### CHAPTER 1

##### CONTROLS ON DOGS

##### *Dog control orders*

#### **55 Power to make dog control orders**

- (1) A primary or secondary authority may in accordance with this Chapter make an order providing for an offence or offences relating to the control of dogs in respect of any land in its area to which this Chapter applies.
- (2) An order under subsection (1) is to be known as a “dog control order”.
- (3) For the purposes of this Chapter an offence relates to the control of dogs if it relates to one of the following matters—
  - (a) fouling of land by dogs and the removal of dog faeces;
  - (b) the keeping of dogs on leads;
  - (c) the exclusion of dogs from land;
  - (d) the number of dogs which a person may take on to any land.
- (4) An offence provided for in a dog control order must be an offence which is prescribed for the purposes of this section by regulations made by the appropriate person.
- (5) Regulations under subsection (4) may in particular—

- (a) specify all or part of the wording to be used in a dog control order for the purpose of providing for any offence;
  - (b) permit a dog control order to specify the times at which, or periods during which, an offence is to apply;
  - (c) provide for an offence to be defined by reference to failure to comply with the directions of a person of a description specified in the regulations.
- (6) A dog control order may specify the land in respect of which it applies specifically or by description.
- (7) A dog control order may be revoked or amended by the authority which made it; but this Chapter applies in relation to any amendment of a dog control order as if it were the making of a new order.

## **56 Dog control orders: supplementary**

- (1) The appropriate person must by regulations prescribe the penalties, or maximum penalties, which may be provided for in a dog control order in relation to any offence.
- (2) Regulations under subsection (1) may not in any case permit a dog control order to provide for a penalty other than a fine not exceeding level 3 on the standard scale in relation to any offence.
- (3) The appropriate person must by regulations prescribe such other requirements relating to the content and form of a dog control order as the appropriate person thinks fit.
- (4) The appropriate person must by regulations prescribe the procedure to be followed by a primary or secondary authority before and after making a dog control order.
- (5) Regulations under subsection (4) must in particular include provision as to—
  - (a) consultation to be undertaken before a dog control order is made;
  - (b) the publicising of a dog control order after it has been made.

## **57 Land to which Chapter 1 applies**

- (1) Subject to this section, this Chapter applies to any land which is open to the air and to which the public are entitled or permitted to have access (with or without payment).
- (2) For the purposes of this section, any land which is covered is to be treated as land which is “open to the air” if it is open to the air on at least one side.
- (3) The appropriate person may by order designate land as land to which this Chapter does not apply (generally or for such purposes as may be specified in the order).
- (4) Land may be designated under subsection (3) specifically or by description.
- (5) Where a private Act confers powers on a person other than a primary or secondary authority for the regulation of any land, that person may, by notice in writing given to the primary and secondary authorities in whose area the land is situated, exclude the application of this Chapter to that land.

## **58 Primary and secondary authorities**

- (1) Each of the following is a “primary authority” for the purposes of this Chapter—
  - (a) a district council in England;

- (b) a county council in England for an area for which there is no district council;
  - (c) a London borough council;
  - (d) the Common Council of the City of London;
  - (e) the Council of the Isles of Scilly;
  - (f) a county or county borough council in Wales.
- (2) Each of the following is a “secondary authority” for the purposes of this Chapter—
- (a) a parish council in England;
  - (b) a community council in Wales.
- (3) The appropriate person may by order designate any person or body exercising functions under an enactment as a secondary authority for the purposes of this Chapter in respect of an area specified in the order.