

Status: Point in time view as at 16/03/2006. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Clean Neighbourhoods and Environment Act 2005, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 24 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



Clean Neighbourhoods and Environment Act 2005

2005 CHAPTER 16

PART 6

DOGS

CHAPTER 1

CONTROLS ON DOGS

VALID FROM 06/04/2006

Supplementary

63 Overlapping powers

- (1) Where a primary authority makes a dog control order providing for an offence relating to a matter specified in any of paragraphs (a) to (d) of section 55(3) as respects any land—
 - (a) a secondary authority may not make a dog control order providing for any offence which relates to the matter specified in that paragraph as respects that land;
 - (b) any dog control order previously made by a secondary authority providing for any offence which relates to the matter specified in that paragraph shall, to the extent that it so provides, cease to have effect.
- (2) Where the area of an authority designated as a secondary authority under section 58(3) is to any extent the same as that of a parish or community council, subsection (1) applies in relation to orders made by the designated authority and that council as if the council were a primary authority.

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64 Byelaws

- (1) Where, apart from this subsection, a primary or secondary authority has at any time power to make a byelaw in relation to any matter specified in any of paragraphs (a) to (d) of section 55(3) as respects any land, it may not make such a byelaw if at that time it has power under this Chapter to make a dog control order as respects that land in relation to the matter specified in that paragraph.
- (2) Subsection (1) does not affect any byelaw which the authority had power to make at the time it was made.
- (3) Where a dog control order is made in relation to any matter specified in any of paragraphs (a) to (d) of section 55(3) as respects any land, any byelaw previously made by a primary or secondary authority which has the effect of making a person guilty of any offence in relation to the matter specified in that paragraph as respects that land shall cease to have that effect.
- (4) Where any act or omission would, apart from this subsection, constitute an offence under a dog control order and any byelaw, the act or omission shall not constitute an offence under the byelaw.

65 Dogs (Fouling of Land) Act 1996

The Dogs (Fouling of Land) Act 1996 (c. 20) shall cease to have effect.

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