



# Clean Neighbourhoods and Environment Act 2005

## 2005 CHAPTER 16

### PART 6

#### DOGS

#### CHAPTER 1

#### CONTROLS ON DOGS

#### *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.

*Status: Point in time view as at 04/08/2006.*

*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 12 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)*

#### Commencement Information

**11** S. 63 in force at 6.4.2006 for E. by [S.I. 2006/795, art. 2\(3\)](#), [Sch. 2](#)

## 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.

#### Commencement Information

**12** S. 64 in force at 6.4.2006 for E. by [S.I. 2006/795, art. 2\(3\)](#), [Sch. 2](#)

## 65 Dogs (Fouling of Land) Act 1996

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

#### Commencement Information

**13** S. 65 in force at 6.4.2006 for E. by [S.I. 2006/795, art. 2\(3\)](#), [Sch. 2](#)

**Status:**

Point in time view as at 04/08/2006.

**Changes to legislation:**

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