
STATUTORY INSTRUMENTS

1996 No. 2763

ENVIRONMENTAL PROTECTION

The Dog Fouling (Fixed Penalties) Order 1996

Made - - - - *30th October 1996*
Laid before Parliament *8th November 1996*
Coming into force - - *1st December 1996*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by section 88(5) and (7) of the Environmental Protection Act 1990(1), as applied by section 4(2) of the Dogs (Fouling of Land) Act 1996(2), and of all other powers enabling them in that behalf, hereby make the following Order:—

Citation and commencement

1. This Order may be cited as the Dog Fouling (Fixed Penalties) Order 1996 and shall come into force on 1st December 1996.

Form of notice

2. A notice offering the opportunity of discharging any liability to conviction for an offence committed under section 3 of the Dogs (Fouling of Land) Act 1996 by payment of a fixed penalty shall be in the form prescribed in the Schedule to this Order or a form substantially to the like effect.

Amount of fixed penalty

3. For the purposes of section 4 of the Dogs (Fouling of Land) Act 1996 (fixed penalty notices), for the amount of £10 specified as the amount of the fixed penalty in section 88(6) of the Environmental Protection Act 1990 there shall be substituted the amount of £25.

(1) 1990 c. 43.
(2) 1996 c. 20.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for the Environment

Department of the Environment
29th October 1996

James Clappison
Parliamentary Under-Secretary of State,

Signed by authority of the Secretary of State for Wales

Welsh Office
30th October 1996

Jonathan Evans
Parliamentary Under-Secretary of State,

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SCHEDULE

Article 2

FORM OF NOTICE

OFFENCE OF FAILING TO REMOVE DOG FAECES
NOTICE OF OPPORTUNITY TO PAY
FIXED PENALTY

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OFFENCE OF FAILING TO REMOVE DOG FAECES
NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

The Environmental Protection Act 1990, section 88
The Dogs (Fouling of Land) Act 1996, section 4

Alleged Offender:

Address:

I, (a), an authorised officer of (b), have reason to believe that on (c) you committed an offence under section 3 of the Dogs (Fouling of Land) Act 1996 of failing to remove dog faeces, in the area of

(d). This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty. The circumstances alleged to constitute the offence are as follows:

No proceedings will be taken for this offence before the expiration of fourteen days following the date of this notice. You will not be liable to conviction for the offence if you pay the fixed penalty during that period of fourteen days.

The amount of the fixed penalty is (e). It may be paid to (f) at the following address: (g).

Payment may be made by pre-paying and posting to (f) at (g) a letter containing the amount of the penalty. Payment may be made in cash, or by a cheque, postal order or money order made payable to (f). (If you are sending cash you are advised to send it by registered post). Payment made in this way will be regarded as having been made at the time at which the letter would be delivered in the ordinary course of post. Alternatively, payment may be made in person or by any other method.

Signature of authorised officer
Date.....

Notes

- (a) Insert name of the "authorised officer", which under section 4 of the 1996 Act means any employee of the local authority authorised in writing by the authority for the purpose of issuing notices under that section, and includes any person discharging enforcement functions under the Act by arrangement with the authority and any employee of such a person.
- (b) Insert name of local authority.
- (c) Insert date on which offence is alleged to have been committed.
- (d) Insert name of area of local authority.
- (e) Insert amount of £25, or any different amount for the time being specified by the Secretary of State under section 88(7) of the Environmental Protection Act 1990 as it applies for the purposes of section 4 of the Dogs (Fouling of Land) Act 1996.
- (f) Insert title or name of the person to whom the fixed penalty is to be paid.
- (g) Insert address at which payment is to be made.

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Letter which may be used for payment by post

I enclose with this letter the amount of _____, being the fixed penalty for an offence of failing to remove dog faeces under section 3 of the Dogs (Fouling of Land) Act 1996.

Signature

Name in capitals

Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the form of notices under section 4 of the Dogs (Fouling of Land) Act 1996. Notices under section 4 may be given by an authorised officer of a local authority (including a person employed for the purpose by the authority, and any employee of that person) to a person who he has reason to believe has committed an offence under section 3 of that Act (offence of failing to remove dog faeces). The effect of giving the notice is that no proceedings shall be instituted for the offence before the expiration of fourteen days following the date of the notice, and that a person who pays the fixed penalty within that period shall not be convicted of the offence. The Order also increases the amount of the fixed penalty for the purposes of the Act from £10 to £25.