

This Order has been made in consequence of a defect in SI 2006/779 and is being issued free of charge to all known recipients of that Order.

STATUTORY INSTRUMENTS

2009 No. 2829

DOGS, ENGLAND

CONTROL OF DOGS

**The Controls on Dogs (Non-application
to Designated Land) Order 2009**

Made - - - - 23rd October 2009

Laid before Parliament 28th October 2009

Coming into force - - 1st December 2009

The Secretary of State is, in relation to England, the appropriate person as defined in section 66(a) of the Clean Neighbourhoods and Environment Act 2005⁽¹⁾, for the purpose of exercising the powers conferred by section 57(3) of that Act, and makes the following Order in exercise of those powers.

Title, commencement and application

1. This Order—
 - (a) may be cited as the Controls on Dogs (Non-application to Designated Land) Order 2009;
 - (b) comes into force on 1st December 2009; and
 - (c) applies in England only.

Interpretation

2. In this Order—

“the Act” means the Clean Neighbourhoods and Environment Act 2005;

“land” means any land which is open to the air and to which the public are entitled or permitted to have access (with or without payment), and any land which is covered is to be treated as “open to the air” if it is open on at least one side;

“road” means any length of highway or of any other road to which the public have access (with or without payment), and includes bridges over which a road passes.

(1) 2005 c. 16.

Land to which Chapter 1 of Part 6 of the Act does not apply

3. Any land that falls within a description in the first column of the table in the Schedule is designated as land to which Chapter 1 (controls on dogs) of Part 6 of the Act does not apply, for the purposes specified in relation to the particular description in the second column of that table.

Revocation

4. The Controls on Dogs (Non-application to Designated Land) Order 2006(2) is revoked.

Jim Fitzpatrick
Minister of State
Department for Environment, Food and Rural
Affairs

23rd October 2009

THE SCHEDULE

Article 3

Land to which Chapter 1 of Part 6 of the Act does not apply

<i>First column</i>	<i>Second column</i>
<i>Description of Land</i>	<i>Purposes for which Chapter 1 of Part 6 of the Act does not apply</i>
Land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967 ⁽³⁾	For the purpose of making a dog control order under section 55(1) of the Act
Land which is or forms part of a road	For the purpose of making a dog control order under section 55(1) of the Act which provides for an offence relating to the matter described in section 55(3)(c) (the exclusion of dogs from land)

EXPLANATORY NOTE*(This note is not part of the Order)*

This Order revokes and replaces the Controls on Dogs (Non-application to Designated Land) Order 2006 (S.I. 2006/779), and corrects a defect in that Order. This Order is being issued free of charge to all known recipients of that Order.

This Order designates descriptions of land to which Chapter 1 (controls on dogs) of Part 6 (dogs) of the Clean Neighbourhoods and Environment Act 2005 (“the Act”) does not apply (article 3 and the Schedule), for the purposes specified in relation to each description and clarifies that such land includes land which is or forms part of a road.

Two descriptions of land are designated in this Order. They are—

- (i) any land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967, in respect of the making of any dog control order under section 55(1) of the Act, and
- (ii) any land which is or forms part of a road, in respect of the making of a dog control order under section 55(1) of the Act which provides for an offence relating to the matter described in section 55(3)(c) (the exclusion of dogs from land) (article 3 and the Schedule).

A full impact assessment of the effect of the then Clean Neighbourhoods and Environment Bill was prepared (dog control orders are dealt with on pages 58-60), and was deposited in the libraries of both Houses of Parliament; copies of it are available from the Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR. A separate impact assessment has not been produced for this Order as no impact on the private or voluntary sector is foreseen.

⁽³⁾ 1967 c.10; section 39(1) was amended by S.I. 1999/1747, article 3 and Schedule 12, Part II, paragraph 4(1) and (28).

Status: *This is the original version (as it was originally made).*