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WELSH STATUTORY INSTRUMENTS

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**2007 No. 702**

**The Dog Control Orders (Miscellaneous Provisions) (Wales) Regulations 2007**

**Title, commencement and application**

1.—(1) The title of these Regulations is the Dog Control Orders (Miscellaneous Provisions) (Wales) Regulations 2007.

(2) These Regulations come into force on 15 March 2007.

(3) These Regulations apply in relation to Wales.

**Interpretation**

2. In these Regulations—

“access authority” (*“awdurdod mynediad”*) and “access land” (*“tir mynediad”*) have the meaning they bear in Part I of the Countryside and Rights of Way Act 2000<sup>(1)</sup>;

“the Act” (*“y Ddeddf”*) means the Clean Neighbourhoods and Environment Act 2005;

“affected land” (*“tir yr effeithir arno”*) means the land which is the subject of a dog control order or a proposal for a dog control order;

“Authority” (*“Awdurdod”*) means either a primary authority (*“prif awdurdod”*) or a secondary authority (*“awdurdod eilaidd”*) as defined in section 58 (primary and secondary authorities) of the Act;

“local access forum” (*“fforwm mynediad lleol”*) means a local access forum established under section 94 of the Countryside and Rights of Way Act 2000.

**Consultation before making a dog control order**

3. Before making a dog control order under section 55 of the Act, an Authority must—

(a) consult upon its proposal to make the order by causing to be published on its website a notice—

(i) identifying the affected land—

(aa) by description, and

(bb) where the proposed order refers to a map, by publication of that map;

(ii) identifying any access land comprised in the affected land;

(iii) setting out the general effect of the proposed order being made;

(iv) stating the period within which representations may be made in writing or by e-mail (being a period of not less than 28 days from the date on which the notice is first published in accordance with this paragraph);

(v) stating the address and e-mail address to which representations may be sent;

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<sup>(1)</sup> 2000 c. 37; for “access authority” see section 1(2) and for “access land” see section 1(1).

- (b) where practicable, cause to be displayed at conspicuous positions on or near the affected land such notices as it considers sufficient to draw to the attention of members of the public using that land the effect of the proposed order being made.
4. Copies of the notice referred to in regulation 3(a) must be given by the Authority—
- (a) to any other Authority having power under section 55 of the Act to make a dog control order in respect of any of the affected land;
  - (b) where any of the affected land is access land, to—
    - (i) the access authority for that access land;
    - (ii) the local access forum for that access land; and
    - (iii) the Countryside Council for Wales, in respect of any of that access land that is not situated in a National Park.

#### **Procedure after making a dog control order**

5. After making a dog control order, an Authority must, not less than seven days before the day on which the order is to come into force—
- (a) cause to be displayed at conspicuous positions on or near the affected land such notices as it considers sufficient to draw to the attention of members of the public using that land the fact that an order has been made and the effect of the order having being made;
  - (b) publish on its website—
    - (i) a notice stating—
      - (aa) that the order has been made,
      - (bb) the place at which copies of it may be obtained;
    - (ii) a copy of the order,
    - (iii) a copy of any map referred to in the order;
  - (c) send the information referred to in paragraph (i) of sub-paragraph (b) to the persons specified in regulation 4.

#### **Amendment and revocation of dog control orders: procedural requirements**

6. Regulations 3, 4 and 5 apply to the amendment and revocation of a dog control order as if the references in those regulations to an order (or a proposed order) were references to an amendment or revocation (or a proposed amendment or proposed revocation, as the case may be) of an order.

#### **Prescribed offences and penalties**

7.—(1) For the purposes of section 55 of the Act, the prescribed offences are those set out in paragraph 1 of each of Schedules 1 to 5.

(2) The penalty to be provided in relation to any offence in a dog control order is, on summary conviction, a fine not exceeding level 3 on the standard scale.

(3) A dog control order may specify the times at which, or the periods during which, an offence is to apply.

#### **Specified wording to be used in, and the form of, a dog control order**

8. An Authority which makes a dog control order must—
- (a) in providing for any offence, use the wording specified in the Schedule applying to that offence (under the heading “offence”); and

- (b) in all other respects make the order in the form set out in the Schedule, or in a form substantially to the like effect.

**Form of order amending a dog control order**

9. An Authority which amends a dog control order must do so in accordance with Schedule 6.

**Coming into force of a dog control order**

10. The date of coming into force of a dog control order (including an order amending a dog control order) must be not less than 14 days after the date on which the order is made.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2)

6 March 2007

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly