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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply in England, come into force on 6th April 2006.

Further to Chapter 1 (control of dogs) of Part 6 (in particular, sections 55 to 58) of the Clean Neighbourhoods and Environment Act 2005 (c. 16) (“the Act”), under which certain authorities are empowered to make dog control orders, these Regulations prescribe for the purposes of section 55 of the Act the offences that may be provided for in any such order (*regulation 3(1) and Schedules 1 to 5*).

The offences are:

- (a) failing to remove faeces deposited by a dog on land in respect of which a Fouling of Land by Dogs Order applies (*Schedule 1, paragraph 1*);
- (b) failing to keep a dog on a lead on land in respect of which a Dogs on Leads Order applies (*Schedule 2, paragraph 1*);
- (c) failing to put, and to keep, a dog on a lead, when directed to do so by an authorised officer, on land in respect of which a Dogs on Leads by Direction Order applies (*Schedule 3, paragraph 1*);
- (d) permitting a dog to enter land in respect of which a Dogs Exclusion Order applies (*Schedule 4, paragraph 1*); and
- (e) taking more than the maximum number of dogs onto land in respect of which a Dogs (Specified Maximum) Order applies (*Schedule 5, paragraph 1*),

in each case without reasonable excuse or without the consent of the owner, occupier or other person or authority who has control of the land. The offences of failing to remove dog faeces and of permitting a dog to enter land from which dogs are excluded do not apply to a person who is registered as a blind person or to a person who has a disability in respect of which he relies on the assistance of a dog trained by a specified charity; the offence of permitting a dog to enter land from which dogs are excluded also does not apply to a person who is deaf in respect of a dog trained by a specified charity.

The Regulations also prescribe, in fulfilment of the requirement in section 56(1) of the Act, the maximum penalty which may be provided for in a dog control order (*regulation 3(2)*); this shall be, on summary conviction, a fine not exceeding level 3 on the standard scale (that is, at the time of making these Regulations, £1,000).

In respect of the content and form of a dog control order, the Regulations specify the wording that must be used in providing for an offence in such an order (*regulation 4(a), and in paragraph 2 of Schedules 1 to 5*), and in all other respects require that a dog control order (including an order amending a dog control order) shall be in the form set out in the appropriate Schedule, or in a form substantially to the like effect as that form (*regulation 4(b), and in paragraph 3 of Schedules 1 to 5; in respect of an amending order, regulation 5 and Schedule 6, paragraph 1*).

A full regulatory impact assessment of the effect of the then Clean Neighbourhoods and Environment Bill was prepared (dog control orders are dealt with on pp. 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, Ashdown House, 123 Victoria Street, London SW1E 6DE. A separate regulatory impact assessment has not been produced for these Regulations as they have no impact on the costs of business.