

**The Clean Neighbourhoods and Environmental Act 2005  
The Dog Control Orders (Prescribed Offences and Penalties, etc.)  
Regulations 2006  
The Fouling of Land by Dogs Borough of Oldham Order 2009**

1. This Order comes into force on the 24<sup>th</sup> June 2009.
2. This Order applies to the land specified in the Schedule.

**Offence**

3. (1) If a dog defecates at any time on the land to which this Order applies and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless –
  - (a) he has reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) Nothing in this order applies to a person who –
  - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
  - (b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon whom he relies for assistance.
- (3) For the purpose of this order –
  - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
  - (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
  - (c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
  - (d) each of the following is a "prescribed charity" –
    - (i) Dogs for the Disabled (registered charity number 700454)
    - (ii) Support Dogs (registered charity number 1088281)
    - (iii) Canine Partners for Independence (registered charity number 803 680)

**Penalty**

4. A person who is guilty of an offence under section 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date

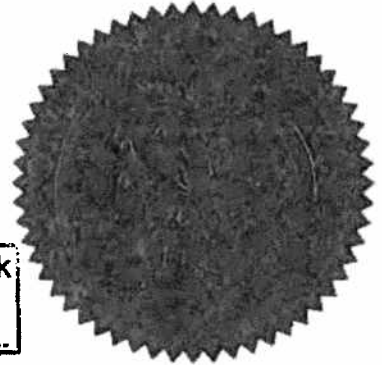
THE COMMON SEAL of )  
OLDHAM BOROUGH COUNCIL )

affixed hereto is authenticated by the )  
undermentioned person authorised by the )  
Council to act for that purpose: )

ND.  
S. Wadsworth  
Acting Head of Legal Services  
GROUP MANAGER

Number in Seal Book

1251/09



**Schedule**

1. This order applies to all land which is within the administrative area of the Borough of Oldham and which is -
  - (i) Open to the air (which includes land that is covered but open to the air on at least one side); and
  - (ii) to which the public are entitled or permitted to have access with or without payment.
2. Excepted from the description in paragraph 1 above is -
  - (i) Land which is used for agriculture and woodlands;
  - (ii) Land which is predominantly marshland, moor or heath; and
  - (iii) Common land to which the public are entitled or permitted to have access otherwise than by virtue of section 193(1) of the Law of Property Act 1925 (right of access to urban common land).