The Clean Neighbourhoods and Environment Act 2005

The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations 2006 (SI 2006/1059)

The Dogs on Leads by Direction (Scarborough Borough) Order 2012

The Scarborough Borough Council (in this Order called “the Authority”) hereby makes the following Order:

1. This Order comes into force on 1 October 2012.

2. This Order applies to the land specified in the Schedule.

3. In this Order “an authorised officer of the Authority” means an employee of the Authority who is authorised in writing by the Authority for the purpose of giving directions under this Order.

Offence

4.  

(1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies, he does not comply with a direction given him by an authorised officer of the Authority to put and keep the dog on a lead of not more than 2 metres in length, unless-

(a) he has a 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) For the purposes of this article-
(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) an authorised officer of the Authority may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person on any land to which this Order applies or the worrying or disturbance of any animal or bird.

Penalty

5.

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

Date: 14 May 2012

The COMMON SEAL of the SCARBOROUGH BOROUGH COUNCIL was hereunto affixed on the 16th August 2012

in the presence of:-

[Signature]

DAVID KITSON
SENIOR SOLICITOR
LITIGATION AND REGULATION

Authorised Signatory
SCHEDULE

1. This Order applies to all land which is within the administrative area of Scarborough Borough Council and which is:

   (a) open to the air (which includes land which is covered but open to the air on at least one side); and

   (b) 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 land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.