Dangerous Dogs Act 1991 – Section 5

This is an Act to prohibit persons having in their possession or custody dogs belonging to types hired for fighting and to enable restrictions to be imposed in relation to these and other types of dog which present a serious danger to the public. The Act also makes it an offence for the owner or person in charge of a dog which is dangerously out of control in a public place.

Control of Dogs Order 1992:

All dogs, except those mentioned in Art.2(2), while in a highway or place of public resort are required to carry identification of their owners (Art.2(1)). An offence is created under the Animals Health Act 1981. Offending dogs may be seized and treated as strays under the provisions of the 1906 and 1990 Acts referred to (Art.4). This order is to be enforced by the local authority officers, and not by the police (Art.5(1)).

South Lakeland District Council
The Dogs (Fouling of Land) Act 1996
The South Lakeland District Dog Fouling Designated Areas Order 1998

I hereby give notice that South Lakeland District Council (hereafter called the Council) hereby to make the following Order under Section 2 of the above Act:-

1. All land within/on the District Council's boundary which is in the open air to which the public are entitled or permitted to have access with or without payment (subject to the exemptions contained in Section 1 of the Dogs (Fouling of Land) Act 1996) is hereby designated for the purpose of that act.

2. This designation includes all carriageways with a speed limit of 40 m.p.h. or less and adjoining footways, footpaths and verges and any covered land which is open to the air on at least one side.

3. This Act contains a number of exemptions including:-

    * Carriageways with a speed limit of more than 40 m.p.h. and land running alongside them.
    * Land used for agriculture or woodlands.
    * Land which is predominantly marshland, moor or health.
    * Rural common land.

Full details of all exemptions are set out in Section 1 of the Act.

The effect of the Order once in force will be any person in charge of a dog shall be guilty of an offence under the Act if he or she fails to clear up immediately after a dog has defecated on land defined in the Act. In effect this means in most public places within the area of the Council, wrapping the dog faeces and placing it in a waste bin is sufficient to comply with the Act.

There are few exceptions, particularly for blind or physically incapacitated persons, but being unaware of the defecation or not having a poop-scoop or other suitable device for removing the faeces is not reasonable excuse.

The Council will operate a fixed penalty scheme. This gives the offender the option of paying a fixed penalty of £50 within 14 days. Alternatively, or in case of failing to pay the fixed penalty, the Council will exercise the option of prosecution in Court where the maximum penalty currently is £1000.

Persons authorised to issue fixed Penalty Notice will carry written authorisation.

Exemptions are:

1) The person in charge has a reasonable excuse for not clearing up. Being unaware of the defecation or not having a device for removal of the faeces is not deemed to be a reasonable excuse.

2) The owner or occupier of the land has consented to the faeces being left.

3) The person in charge of the dog puts the faeces in a bin provided for that purpose sited on the land.

4) The person in charge is a registered blind person

The maximum penalty on conviction is set a level 3 on the standard scale (£1,000). A local authority may also operate a fixed penalty scheme for the offence. The Dogs Fouling (Fixed Penalties) Order 1996 prescribes the form for the fixed penalty notice. The level of the fixed penalty is currently £50 and any income raised from this source must be forwarded to the Secretary of State.