

**From:** Robert Monks  
**To:** Ian Williams  
**Date:** 15/12/09 13:27  
**Subject:** Bye Laws

Hi Ian

Following the meeting on the 12th Nov, I have since contacted our legal section to look at the possibility of having a bye law provided to ensure dog walkers carry bags .

Unfortunately the legislation we enforce prevents us from doing this.

The Primary legislation for dog fouling is the Clean Neighbourhood and Environment Act [ CNA ]. The Act provides us with the power to make Dog Control Orders with the Act being quite specific as to the offence(s) a control order may relate to. Currently there is an order in place which has been operational since 2007

The Order we have relates to the "fouling of land by dogs and the removal of dog faeces" - S.55 (3) (a). It does not specify how faeces are to be removed in the order or within legislation.

S. 56(3) of the Act refers to the Regulations that prescribe the content and form of a dog control order, - The Dog Control Orders (Procedures) Regulations 2006 and the Dog Control Orders ( Prescribed Offences and Penalties, ETC) Regulations 2006.

The Dog Control Orders ( Prescribed Offences and Penalties, ETC) Regulations 2006 confirms the five offences, 1 of which is the failing to remove faeces from land. There is no mention of the carrying (or not) of bags. It is not an offence not to carry a bag. As long as the faeces are removed forthwith, dog walkers can use any method available to them at the time to prevent them committing an offence

S.64 of the Act provides that where an authority has the power to make a bye law in relation to the offences set out in S.55(3) (ie dog fouling) it **may not** make a bye law if it has power to make an Order under the CNA. As stated earlier we already have an order in place therefore this prevents us from looking at creating a bye law.

Our only course of action, as no offence exist for not carrying bags is via educational interventions to encourage dog walkers to be responsible

If you need any further information please let me know.