

The Clean Neighbourhoods and Environment Act (Northern Ireland) 2011
The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations (Northern
Ireland) 2012 (S.R. 2012 No. 114)

The Fouling of Land by Dogs (Fermanagh and Omagh) Order 2017

Fermanagh and Omagh District Council hereby makes the following Order:

Commencement

1 This Order comes into operation on 27th July 2017

Application

2 This Order applies to the land specified in the Schedule

Offence

3(1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence 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.

3(2) Nothing in this article applies to a person who –

- (a) Is registered as blind in Northern Ireland in a register maintained by, or on behalf of, a health and social services trust;
- (b) Is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (c) 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 which he relies for assistance.

3(3) 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) Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a 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 any 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 803680)

Penalty

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

Dated this the 27th day of July 2017

The Common Seal of Fermanagh and Omagh District Council

Affixed hereto in the presence of:-

Cllr Stephen McCann
Chairman

Brendan Hegarty
Chief Executive

THE SCHEDULE

(Description of land to which the Order applies)

This order applies to all the land within the administrative area of Fermanagh and Omagh District Council and which is:

- (i) Open to the air (including 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

This order does not apply to land held by the Department of Agriculture, Environment and Rural Affairs for the purposes of any of its functions under the Forestry (Northern Ireland) Act 2010.