**EXPLANATORY NOTES ON AN OFFENCE UNDER THE LEGISLATION**

**ANTI SOCIAL BEHAVIOUR, CRIME & POLICING ACT 2014**

**PUBLIC SPACE PROTECTION ORDER**

**THE DOGS EXCLUSION (WARWICK DISTRICT COUNCIL) ORDER 2011**

**Offence**

A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog, or permits the dog to enter or to remain on any land to which this Order applied unless-

1. he has a reasonable excuse for doing so; or
2. the owner, occupier or other person or authority having control of the land has consented (general or specifically) to his doing so.

Nothing in this article applies to a person who –

1. is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
2. is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance;
3. has a disability which affects his mobility, manual dexterity, physical coordination 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.

For the purposes of this article –

1. 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; and
2. each of the following is a “prescribed” charity” –
3. Dogs for the Disabled (registered charity number 700454)
4. Support Dogs (registered charity number 1088281)
5. Canine Partners for Independence (registered charity number 803680)

**Penalty**

A person who is guilty of an offence under section 67 of the Anti-Social Behaviour Policing & Crime Act 2014 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**FIXED PENALTY NOTICES**

Where on any occasion a constable or an authorised officer of a local authority finds a person who he or she has reason to believe has on that occasion committed an offence under section 63 or section 67 of the Act in relation to a public spaces protection order made by that local authority he or she may give that person a notice offering them the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.