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

**Anti-Social Behaviour Policing and Crime Act 2014**

**Public Space Protection Order**

**The Fouling of Land by Dogs (Warwick District Council) Order 2011**

**Offence**

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

1. he has a reasonable excuse for failing to do so; or
2. the owner, occupier or other person or authority having control of the land has consented (general or specifically) to his failing to do 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. 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;
2. 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; and
3. being unaware of the defecation (whether by reason of not being in the vicinity or otherwise) or not having a device or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.
4. each of the following is a “prescribed” charity” –
5. Dogs for the Disabled (registered charity number 700454)
6. Support Dogs (registered charity number 1088281)
7. 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.