

DOG FOULING FOOTWAYS AND GRASS VERGES

BYELAWS made by the Council of the Borough of Havant under Section 235 of the Local Government Act 1972 for the good rule and government of the Borough of Havant and for the prevention and suppression of nuisances

EXTENT

- 1 (1) These byelaws apply throughout the Borough of Havant to:
 - (a) the footway of the highway; and
 - (b) a grass verge which is not more than 4 metres wide and is
 - (i) adjacent to the carriageway of a footway of a highway; and
 - (ii) managed by a Local Authority and maintained in good order.
- (2) Notice of the effect of these byelaws shall be given by signs placed in such positions as the Council may consider adequate to inform persons using the footways and grass verges specified in paragraph (1) above.

INTERPRETATION

- 2 In these byelaws:

“The Council” means the Council of the Borough of Havant.

“Carriageway”, “footway” and “highway” have the same meanings as in the Highways Act 1980.

DOG FOULING FOOTWAYS AND GRASS VERGES

- 3 Every person in charge of a dog (other than a registered blind person in charge of a guide dog) who permits the dog to foul a footway or grass verge (being a footway or grass verge to which these byelaws apply) by depositing its faeces thereon shall be guilty of an offence.

Provided that in proceedings for an offence against this byelaw it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

- 4 (1) For the purpose of these byelaws the keeper of the dog shall be deemed in charge thereof, unless the Court is satisfied that at the time when the dog fouled the footway or grass verge it had been placed in or taken into the charge of some other person.
- (2) In paragraph (1) above “the keeper” shall include the owner of the dog or any person who habitually has it in his possession.

PENALTY

- 5 Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

REVOCATIONS

- 6 The byelaws made by the Havant Borough Council on the 19th day of July 1982 in respect of dogs fouling footways (and grass verges) are revoked with effect from the date on which these byelaws shall come into operation.

Given under the Common Seal of the Council of the Borough of Havant this Twenty First day of July One Thousand Nine Hundred and Eighty Nine

THE COMMON SEAL of THE COUNCIL)
OF THE BOROUGH OF HAVANT was)
hereunto affixed in the)
presence of:)

Signed by the Borough Secretary

The foregoing byelaw(s) is/are hereby confirmed by the Secretary of State and shall come into operation on the 27th day of December 1989.

Signed by authority of the Secretary of State

C.L. SCOBLE
An Assistant Under-Secretary of State

(Stamped by the Home Office 27 Nov 1989)