

COMPOSITE BYELAW – DOG BAN AND “POOP-SCOOP” BYELAWS FOR PLEASURE GROUNDS AND OPEN SPACES DOGS PROHIBITED FROM THE GROUNDS AND REMOVAL OF CANINE FAECES

Byelaws made by the Council of the Borough of Havant under Section 164 of the Public Health Act 1875 and Sections 12 and 15 of the Open Spaces Act 1906 with respect to public walks, pleasure grounds and open spaces.

EXTENT

1. (1) Byelaw 3 applies to the public walks, pleasure grounds and open spaces or parts thereof described in Schedule 1, hereafter referred to as “the dog prohibited areas”.
- (2) Byelaws 4 and 5 apply to the public walks, pleasure grounds and open spaces or parts thereof described in Schedule 2, hereafter referred to as “the canine faeces removal areas”.
- (3) Notice of the effect of these byelaws shall be given by signs placed in conspicuous positions at the entrances to each of the dog prohibited areas and at the entrances or on the approaches to each of the canine faeces removal areas.

INTERPRETATION

2. (1) In these byelaws:

“the Council” means the Council of the Borough of Havant
- (2) For the purpose of these byelaws the keeper of the dog shall be deemed in charge thereof, unless the dog had been placed in or taken into the charge of some other person at the time when an offence under these byelaws had been committed.
- (3) In paragraph (2) above, “the keeper” shall include the owner of the dog or any person who habitually has it in his possession.

DOGS PROHIBITED FROM THE GROUNDS

3. (1) No person (other than a registered blind person) in charge of a dog shall, without reasonable excuse, permit the dog to enter or remain in any of the dog prohibited areas.
- (2) An officer of the Council or any constable may require a person in charge of a dog which has entered any of the dog prohibited areas to remove the dog therefrom.

REMOVAL OF CANINE FAECES

4. Every person (other than a registered blind person) in charge of a dog which is in any of the canine faeces removal areas who, without reasonable excuse, fails to remove forthwith from and such area any faeces deposited by the dog shall be guilty of an offence.
5. For the purposes of compliance with byelaw 4 the following provisions shall apply:
 - (a) It shall be a sufficient removal from the canine faeces removal areas if the faeces are deposited in a receptacle within such area which has been provided for that purpose by the Council;
 - (b) Without prejudice to the generality of the foregoing, it shall not be a reasonable excuse that a person in charge of a dog did not have with him any means of removal of the faeces.

REMOVAL OF OFFENDERS

6. Any person offending against byelaws 3 (1) or 4 may be removed from the public walk, pleasure ground or open space where the offence took place by any officer of the Council or any constable.

PENALTY

7. Any person offending against byelaws 3 (1) or 4 shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

REVOCAATION

8. Byelaw no. 4 of the byelaws entitles "Byelaws for the Regulation of Dogs" made by the Council of the Borough of Havant on 21st July 1989 and confirmed by the Secretary of State on 27th November 1989 insofar as it relates to the enclosed children's playground at Purbrook Heath but not otherwise, is hereby revoked.

SCHEDULE 1

The dog prohibited areas referred to in byelaw 1 (1) are:

Under section 164 of the Public Health Act 1875

<u>Name of Ground</u>	<u>Location of Ground</u>
Enclosed children's playground Chalton Crescent	Chalton Crescent Leigh Park
Enclosed children's playground Havant Park	Park Road North Havant

Enclosed children's playground Purbrook Heath	Purbrook Heath Road Purbrook
Enclosed children's play area Wecock Open Space	Kite Close, Wecock Farm Cowplain
Enclosed children's playground Eastoke Corner	Eastoke Corner, Seafront, Hayling Island
<u>Name of Ground</u>	<u>Location of Ground</u>
Enclosed children's playground Crystal Way	Crystal Way Waterlooville

SCHEDULE 2

The canine faeces removal areas referred to in byelaw 1 (2) are:

(i) Under Section 164 of the Public Health Act 1875

<u>Name of Ground</u>	<u>Location of Ground</u>
Ramsdale Avenue Open Space	Ramsdale Avenue, LeighPark, Havant
Springwood Avenue Open Space	Springwood Avenue, Waterlooville
Westbourne Road Open Space	Westbourne Road, Emsworth
St. Clare's Open Space	The Warren, Leigh Park, Havant
Arragon Court Open Space	Arragon Court/Lysander Way, Waterlooville
Station Site	Station Road, Hayling Island
Sandy Brow Open Space	Sandy Brow, Purbrook

Under Sections 12 and 15 of the Opens Space Act 1906

Ramblers Way Open Space	Ramblers Way, Cowplain
-------------------------	------------------------

ON THE 28TH DAY OF JULY 1995)
THE COMMON SEAL of THE COUNCIL)
OF THE BOROUGH OF HAVANT was)
Hereunto affixed in the presence of)

Borough Secretary

DOE 0311
The foregoing byelaws are hereby confirmed
by the Secretary of State for the Environment
and shall come into force on
1 November 1995

J H Cleary
(An Assistant Secretary in the Department of
the Environment)