

## **The Clean Neighbourhoods and Environment Act 2005**

### **The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006 (S.I.2006/1059)**

#### **The Dogs on Leads by Direction (Brighton and Hove) Order 2009**

Brighton and Hove Council (in this Order called "the Council") hereby makes the following Order:

1. This Order comes into force on 1<sup>st</sup> January 2009.
2. This Order applies to the land specified in Schedule 1.
3. In this Order "an authorised officer of the Council" means an employee of the Council who is authorised in writing by the Council for the purpose of giving directions under this Order.

#### **Offence**

4. (1) A person in charge of a dog shall be guilty of an offence if at any time, on any land to which this Order applies, he does not comply with a direction given him by an authorised officer of the Council to put and keep the dog on a lead, 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.
- (2) 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) an authorised officer of the Council may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person or the worrying or disturbance of any animal or bird.

#### **Penalty**

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

**THE COMMON SEAL OF BRIGHTON & HOVE** )  
**COUNCIL** was affixed hereto this )  
in the presence of:- )

Authorised Officer

**SCHEDULE 1**

**Description of land, or lands, to which the Order applies**

All land in the City of Brighton and Hove which is open to the air, including covered land which is open on at least one side, and to which the public are entitled or permitted to have access (with or without payment), with the exception of Forestry Commission Land.<sup>1</sup>

<sup>1</sup> "Forestry Commission Land" is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.