Flintshire County Council

The Clean Neighbourhoods and Environment Act 2005

The Dog Control Orders (Miscellaneous Provisions) (Wales) Regulations 2007 (SI 2007/702 (W.59)

The Flintshire County Council in exercise of its powers under Section 55 of The Clean Neighbourhoods and Environment Act 2005, The Dog Control Orders (Miscellaneous Provisions) (Wales) Regulations 2007(S.I.2007/702) (W.59) and all other enabling powers hereby makes the following Order:

Fouling of Land by Dogs, (Flintshire County Council) Order Number 1, 2009

1. This Order comes into force on 3rd December 2009

2. This Order applies to the land specified in Schedule 1

3. This Order applies at the times specified in Schedule 2

Offence

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

(a) That person 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 that person failing to do so.

(2) Nothing in this article applies to a person who—

(a) Is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

(b) Has a disability which affects that person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise

move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance.

(3) For the purposes of this article—

(a) A person who habitually has a dog in their possession is 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) 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;

(c) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;

(d) Each of the following is a "prescribed charity"—

(i) Dogs for the Disabled (registered charity number 700454);

(ii) Support Dogs (registered charity number 1088281);

(iii) Canine Partners for Independence (registered charity number 803680).

Penalty

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

Dated this 10th **day of** November **2009**

The Common Seal of the
FLINTSHIRE COUNTY COUNCIL
Was here unto affixed
In the presence of

VICE CHAIRMAN W.O. Thomas

PRINCIPAL SOLICITOR

11938

CYNGOR SIR Y FFLINT FLINTSHIRE COUNTY COUNCIL

Fouling of Land by Dogs, (Flintshire County Council) Order Number 1, 2009

Schedule 1

This Order shall apply to all land in the County of Flintshire which is open to the air on at least one side and to which the public are entitled to have access with or without payment.

Schedule 2

This Order shall apply at all times.

Addendum 1

Fouling of Land by Dogs, (Flintshire County Council) Order Number 1, 2009

Due to a typographical error, the above Order has been amended as below:

Penalty

(4) *A person who is guilty of an offence under article 1 is liable on summary conviction to a fine not exceeding level 3 on the standard scale*

Dated this 9th **day of** November **2011**

The Common Seal of the
FLINTSHIRE COUNTY COUNCIL
Was here unto affixed
In the presence of:

Chair

13095

Principal Solicitor /
Interim Head of Legal and
Democratic Services

Cyngor Sir y Fflint

Deddf Cymdogaethau Glân a'r Amgylchedd 2005

Rheoliadau Gorchmynion Rheoli Cŵn (Darpariaethau Amrywiol) (Cymru) 2007 (OS 2007/702 (C.59)

Mae Cyngor Sir y Fflint, wrth weithredu ei bwerau dan Adran 55 y Ddeddf Cymdogaethau Glân a'r Amgylchedd, y Rheoliadau Gorchmynion Rheoli Cŵn (Darpariaethau Amrywiol) (Cymru) 2007 (OS 2007/702) (C. 59) a'r holl bwerau galluogi eraill, yn gwneud y Gorchymyn isod:

Gorchymyn Rhif 1, Baeddu Tir gan Gŵn (Cyngor Sir y Fflint) 2009

1. Daw'r Gorchymyn hwn i rym ar 3 Rhagfyr 2009

2. Mae'r Gorchymyn hwn yn weithredol ar y tir a nodir yn Atodlen 1

3. Mae'r Gorchymyn hwn yn weithredol ar yr adegau a nodir yn Atodlen 2

Trosedd

(1) Os yw ci yn ymgarthu ar dir a gwmpasir gan y Gorchymyn hwn ar unrhyw adeg, ac nad yw'r unigolyn yng ngofal y ci bryd hynny yn clirio'r carthion oddi ar y tir yn ddiymdroi, bydd yr unigolyn hwnnw yn euog o drosedd onibai —

(a) Bod gan yr unigolyn esgus rhesymol am beidio â gwneud hynny; neu

(b) Bod perchennog, meddiannwr neu unigolyn neu awdurdod arall sy'n rheoli'r tir wedi rhoi caniatâd (cyffredinol neu benodol) i'r unigolyn hwnnw beidio â gwneud hynny.

(2) Nid oes unrhyw beth yn yr erthygl hon sy'n berthnasol i unigolyn —

(a) Sydd wedi'i gofrestru fel person dall mewn cofrestr a lunir dan Adran 29 y Ddeddf Cymorth Gwladol 1948; neu

(b) Sydd ag anabledd sy'n effeithio ar symudedd, deheurwydd y dwylo, cydgordiad corfforol neu'r gallu i godi, cario neu symud gwrthrychau

bob dydd, mewn perthynas â chi a hyfforddwyd gan elusen ragnodedig y mae'r unigolyn hwnnw yn dibynnu arno am gymorth.

(3) At ddibenion yr erthygl hon —

(a) Cymrir bod unigolyn â chi yn eu meddiant yn arferol yng ngofal y ci ar unrhyw adeg onibai bod rhyw unigolyn arall yng ngofal y ci ar yr adeg hynny;

(b) Bydd gosod y carthion mewn cynhwysydd ar y tir a ddarperir i'r diben hynny, neu ar gyfer gwaredu gwastraff, yn ddigonol ar gyfer ei waredu oddi ar y tir;

(c) Ni fydd peidio â bod yn ymwybodol bod y ci wedi baeddu (oherwydd nad oedd yr unigolyn yn y cyffiniau neu fel arall) neu beidio â bod a dyfais neu ddull addas o godi'r carthion yn esgus rhesymol am fethu â chael gwared o'r carthion;

(d) Mae pob un o'r isod yn "elusen ragnodedig" —

(i) Dogs for the Disabled (elusen gofrestredig rhif 700454);

(ii) Support Dogs (elusen gofrestredig rhif 1088281);

(iii) Canine Partners for Independence (elusen gofrestredig rhif 803680).

Cosb

(4) Mae unigolyn sy'n euog o drosedd dan erthygl 3, ar gollfarn ddiannod, yn agored i ddirwy nad yw'n goresgyn lefel 3 ar y raddfa safonol.

Dyddiedig 10th November **2009**

Rhoddwyd Sêl Gyffredin
CYNGOR SIR Y FFLINT
yma ym mhresenoldeb

11939

IS-GADEIRYDD

PRIF GYFREITHIWR

Gorchymyn Rhif 1, Baeddu Tir gan Gŵn (Cyngor Sir y Fflint) 2009

Atodlen 1

Bydd y Gorchymyn hwn yn weithredol ar yr holl dir yn Sir y Fflint sy'n agored i'r awyr ar o leiaf un ochr ac y mae gan y cyhoedd yr hawl i fynd arno, drwy daliad neu yn ddi-dâl.

Atodlen 2

Bydd y Gorchymyn hwn yn weithredol bob amser.

Adendwm 1

Gorchymyn Rhif 1 Baeddu Tir gan Gŵn (Cyngor Sir y Fflint) 2009

Oherwydd camgymeriad argraffyddol, newidiwyd y Gorchymyn uchod fel y gwelir isod:

COSB
(4) *Mae unigolyn sy'n euog o drosedd dan erthygl 1, ar gollfarn ddiannod, yn agored i ddirwy nad yw'n goresgyn lefel 3 ar y raddfa safonol.*

Dyddiedig 9 Tachwedd 2011

Rhoddwyd Sêl Gyffredin
CYNGOR SIR Y FFLINT
yma ym mhresenoldeb

13122

Y Cadeirydd

Pennaeth Dros Dro
Gwasanaethau Cyfreithiol a Democrataidd