

## ANIT-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

Mid Devon District Council (the "Council")

The Mid Devon (Public Spaces Protection) (Dog Control) Variation and Extension Order No 2.

1. This Order shall be cited as the "Mid Devon (Public Spaces Protection) (Dog Control) Variation and Extension Order No 2".
2. This Order is made by the Council under section 60 and 61 of the Anti-Social Behaviour Crime and Policing Act 2014

### DEFINITIONS AND INTERPRETATIONS

3. In the following provisions of this Order, the following terms shall have the meanings hereby respectively ascribed to them:-
4. "Amory Park Dogs Excluded Play/BMX Plan" means the plan numbered "109" attached to this Order
5. "Amory Park Dogs on Lead Area Plan" means the plan numbered "28" attached to this Order
6. "2021 Order" means the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 as amended
7. "Recreation Ground Cheriton Fitzpaine Plan " means the plan numbered "140" attached to this Order
8. "Play Area Oakford Plan" means the plan numbered "99" attached to this Order
9. "Recreation Ground Wood Lane Plan" means the plan numbered "36C" attached to this Order
10. Except when the context otherwise requires, the singular includes the plural and vice-versa; and the masculine includes the feminine and vice-versa.
11. Reference to an Act of Parliament, statutory provision or statutory instrument includes a reference to that Act of Parliament, statutory provision or statutory instrument as amended, extended or re-enacted from time to time and to any regulations made under it.

### EXTENSION

12. The 2021 Order will be extended from the 6th October 2024 for a period of 3 years.

### VARIATION

13. The 2021 Order as amended shall be further amended as follows:-
  - a) By removing the words for clause 1.5 of the 2021 Order and replacing them with the following:-

"Unless otherwise stated in the Order where land is listed in a Schedule the location and extent of the land is showed edged red in the corresponding Plan referred to in the Schedule"
  - b) By removing the words for clause 2 of the 2021 Order and replacing them with the following:

“This Order applies to the Public Spaces, public parks, public cemeteries and churchyards and enclosed play areas cited in the Order within the district of Mid Devon and shown on the Plans to Schedules A, B, C, D, and E.”

- c) By adding after clause 7 of the 2021 Order but before clause 8 a new clause numbered “7.A.”
- d) The said new clause “7.A” shall read as follows:-  
“7.A Dogs Excluded Playing Areas.  
A Person in Charge of a dog is prohibited from taking that dog onto or permitting the dog to remain on any Playing Area listed in Schedule E to this Order”.
- e) By adding to the 2021 Order a new schedule on a new page after Schedule D of the 2021 Order (and after the Schedule D plans). The new schedule shall be labelled “Schedule E”.
- f) Underneath the label “Schedule E” of the new schedule the following words shall be added:-  
“Plan 140 – Recreation Ground Cheriton Fitzpaine “
  
- g) By attaching the Recreation Ground Cheriton Fitzpaine Plan to the 2021 Order immediately after the new Schedule E page.
- h) By adding to Schedule C to the 2021 Order starting on a new line the following words-  
“Plan 36C – Recreation Ground Wood Lane Morchard Bishop”
- i) By attaching to the 2021 Order the Recreation Ground Wood Lane Plan which shall be inserted after the plan numbered 36 B of the 2021 Order.
- j) By removing the plan for the recreation ground at Oakford numbered “99” from the 2021 Order and replacing it with the Play Area Oakford Plan
- k) By removing the plan for the play area at Amory Park numbered 109 from the 2021 Order and replacing it with the Amory Park Dogs Excluded Play/BMX Plan
- l) By removing the plan for Amory Park Tiverton numbered 28 from the 2021 Order and replacing it with the Amory Park Dogs on Lead Area Plan.

14. In making this variation the Council is satisfied on reasonable grounds that doing so is necessary to prevent -

15. (a) Occurrence or recurrence after that time of the activities identified in the 2021 Order, or

16. (b) An increase in the frequency or seriousness of those activities after that time.

#### APPEAL

17. Any interested person may question the validity of this Order, pursuant to Section 66 of the Act, on application made to the High Court within 6 weeks from the date of this Order.

#### Validity (Severance)

18. If any provision of this Order is held invalid or unenforceable for any reason by a court of competent jurisdiction, such provision shall be severed and the remainder of the provisions of this Order shall continue in full force and effect as if this Order had been executed with the invalid, illegal or unenforceable provision eliminated.

The COMMON SEAL OF Mid Devon District Council

Was hereunto affixed

In the presence of

Authorised signatory