

The Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 (Variation Order No 2)

Anti-social Behaviour Crime and Policing Act 2014 (the "Act")

Mid Devon District Council (the "Council")

1. This Order is dated 2 October 2024.
2. This Order shall be cited as the "Mid Devon (Public Spaces Protection) (Dog Control) Variation Order No 2".
3. This Order is made by the Council under section 60 and 61 of the Act.
4. The Council in exercise of its powers under the Act, and of all other enabling powers, after consultation carried out in accordance with the Act, and being satisfied that uncontrolled and irresponsible dog walking in public places has a detrimental effect on the quality of life of the local community and that the conditions set out in Section 59 of the Act are met, hereby make this Order.

5. DEFINITIONS AND INTERPRETATIONS

- 5.1 In the following provisions of this Order, the following terms shall have the meanings hereby respectively ascribed to them:-
 - 5.1.1 "Amory Park Dogs Excluded Play/BMX Plan" means the plan numbered "4" attached to this Order;
 - 5.1.2 "Amory Park Dogs on Lead Area Plan" means the plan numbered "5" attached to this Order;
 - 5.1.3 "2021 Order" means the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 as amended by this Order and by previous Orders;
 - 5.1.4 "Jack's Acre Plan" means the plan numbered "1" attached to this Order;
 - 5.1.5 "Recreation Ground Oakford Plan" means the plan numbered "3" attached to this Order;
 - 5.1.6 "Playing Field Wood Lane Plan" means the plan numbered "2" attached to this Order;
 - 5.1.7 "Authorised Officer" means a person who is authorised in writing by the Council for the purposes of this Order;
 - 5.1.8 "Police Constable" means any person lawfully designated and authorised by a Chief Officer of Police to exercise the powers and duties of a Police Constable;
 - 5.1.9 "Person in Charge" means the person who has a dog in his possession, care or company or otherwise, the owner or person who habitually has the dog in his possession.
- 5.2 Except when the context otherwise requires, the singular includes the plural and vice-versa; and the masculine includes the feminine and vice-versa.
- 5.3 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.

6. EXTENSION OF THE 2021 ORDER

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

7. VARIATION OF THE 2021 ORDER

7.1 The 2021 Order is hereby varied as follows:-

7.1.1 By removing from the 2021 Order those prohibitions and requirements as set out in the clause 8 of this Order; and

7.1.2 By adding to the 2021 Order those new requirements and prohibitions as set out in clause 9 of this Order.

8. REMOVAL OF PROHIBITIONS AND REQUIREMENTS

8.1 The prohibition and requirement ("Dogs on Leads") contained and set out in Clause 6.2 of the 2021 Order shall no longer apply to that part of Amory Park as shown edged red on the plan numbered 28 attached to the 2021 Order.

8.2 The prohibition and requirement contained and set out in Clause 7 of the 2021 Order shall no longer apply to the play area at Amory Park as shown edged red on the plan numbered 109.

8.3 The prohibition and requirement contained and set out in Clause 7 of the 2021 Order shall no longer apply to the Recreation Ground Oakford as shown edged red on the plan numbered 99.

9. NEW PROHIBITIONS AND REQUIREMENTS

9.1 A Person in Charge of a dog is prohibited from taking that dog onto, or permitting the dog to enter or remain on any land shown edged red on the Amory Park Dogs Excluded Play/BMX Plan.

9.2 A Person in Charge of a dog, at any time, must put and keep the dog on a lead and under proper control when on any land shown edged red on the Amory Park Dogs on Lead Area Plan (but did this does not include the area of land shown as excluded on the said Plan).

9.3 A Person in Charge of a dog is prohibited from taking that dog onto, or permitting the dog to enter or remain on any land shown edged red on the Jack's Acre Plan.

9.4 A Person in Charge of a dog is prohibited from taking that dog onto, or permitting the dog to enter or remain on any land shown edged red on the Recreation Ground Oakford Plan.

9.5 A Person in Charge of a dog, at any time, must put and keep the dog on a lead and under proper control when on any land shown edged red on the Playing Field Wood Lane Plan.

10 OFFENCES AND PENALTIES

10.1 Any failure to comply with the requirements or prohibitions by this Order shall constitute a criminal offence, unless:

10.1.1 The person has a reasonable excuse for failing to do so;

10.1.2 The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so; or

10.1.3 The person is exempt under Article of this Order.

10.2 Any person guilty of an offence under this Order shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale (on the date of this Order, this is set at £1,000).

10.3 A Fixed Penalty Notice may be issued by an Authorised Officer or Police Constable to anyone believed to have committed an offence under this Order. The Fixed Penalty shall be £100.00. Payment of the Fixed Penalty of £50.00 within 14 days from the date of the Fixed Penalty Notice will discharge the liability for prosecution.

11 EXEMPTIONS

11.1 The requirements and prohibitions imposed by this Order shall not apply to any person who:

11.1.1 is registered as blind, sight or hearing impaired under the National Assistance Act 1948, or any other legislation;

11.1.2 has a disability which affects his mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a registered charity and upon which he relies for assistance; or

11.1.3 is using a working dog for purposes of law enforcement, military duties or statutory emergency services (search and rescue).

12 APPEAL

12.1 Any interested person (defined as an individual who lives in the restricted area or who regularly works in or visits that area) 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 the Order.

13 Validity (Severance)

13.1 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 the Order shall continue in full force and effect as if the Order had been executed with the invalid, illegal or unenforceable provision eliminated.

The COMMON SEAL OF Mid Devon District Council

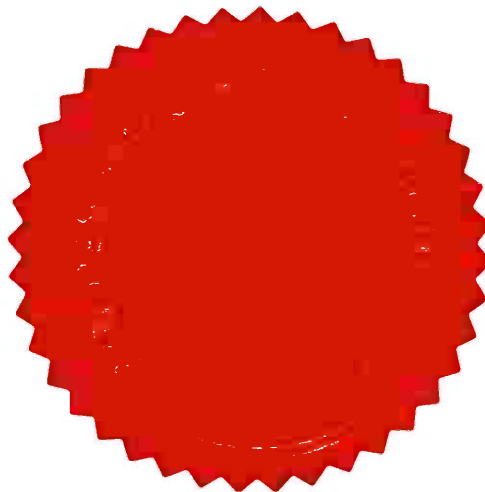
Was hereunto affixed

In the presence of

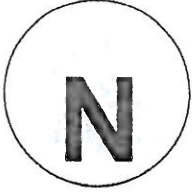


D. SHARPLEY
Authorised Signatory

Seal No.: 114 5 8

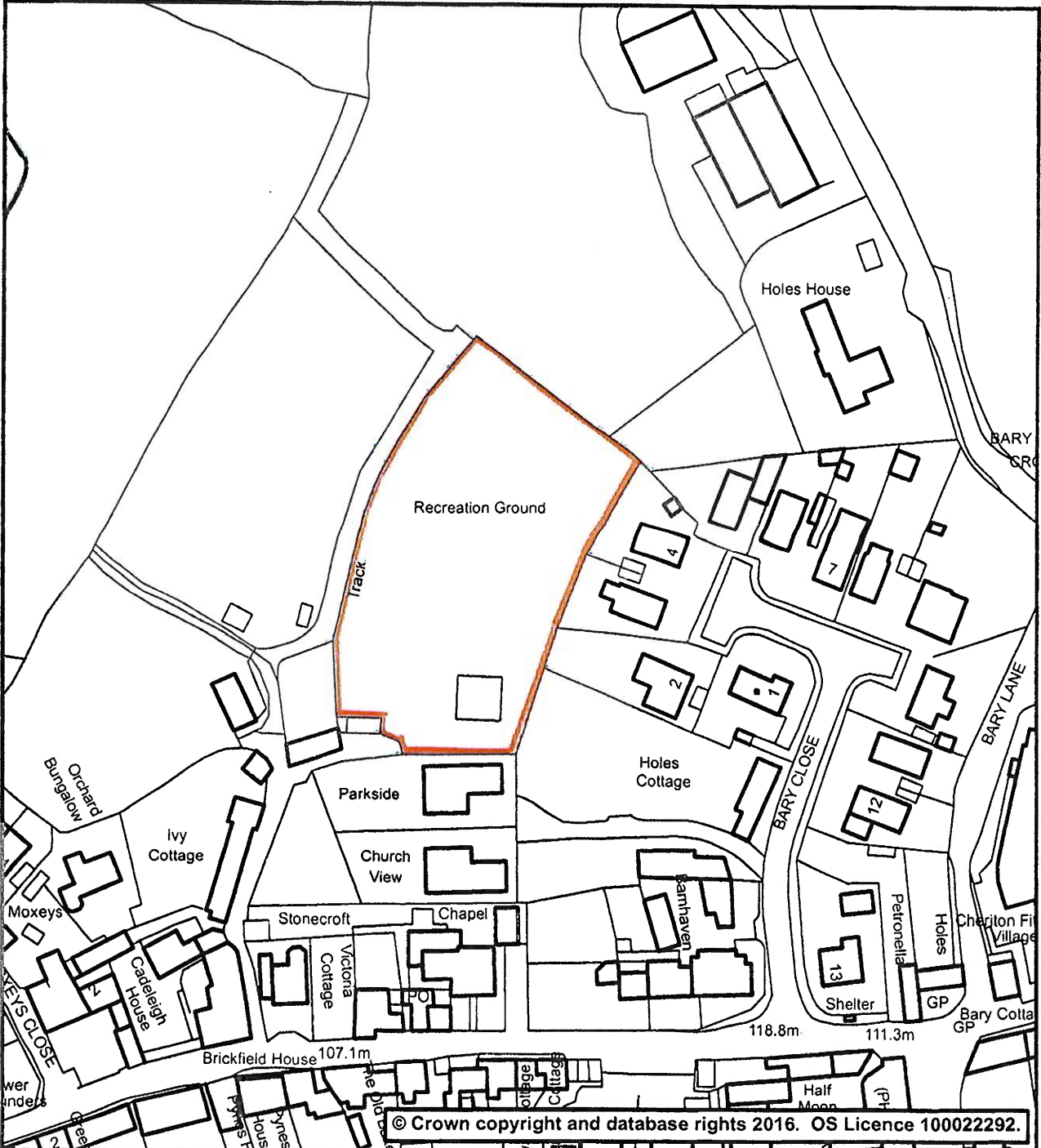


Plan 1



Phoenix House
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255 Website: www.middevon.gov.uk



| | |
|------------------------------------|---------------------|
| <i>Jacks Acre</i> | |
| Scale: 1:1,250 | Date: 30/05/2024 |
| Drg. No: M1002 <i>1</i> | User Name: sdensham |

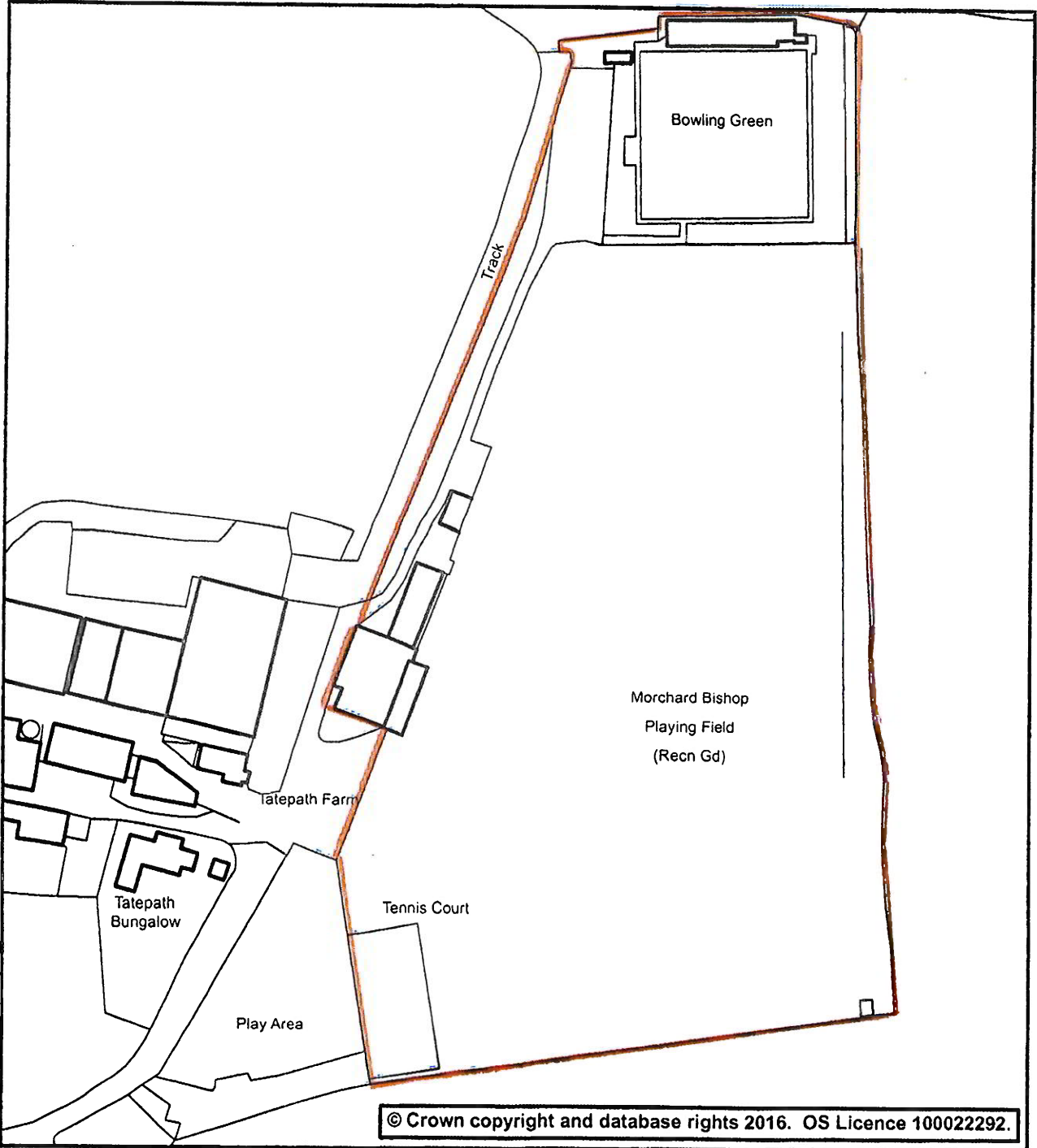
Plan 1 ↑

Plan 2



Phoenix House
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255 Website: www.middevon.gov.uk



| | |
|---|--------------------|
| Revised Wood Lane Morchard Bishop | |
| Scale: 1:1,250 | Date: 30/04/2024 |
| Drg. No: 1 2 | User Name: sdenham |

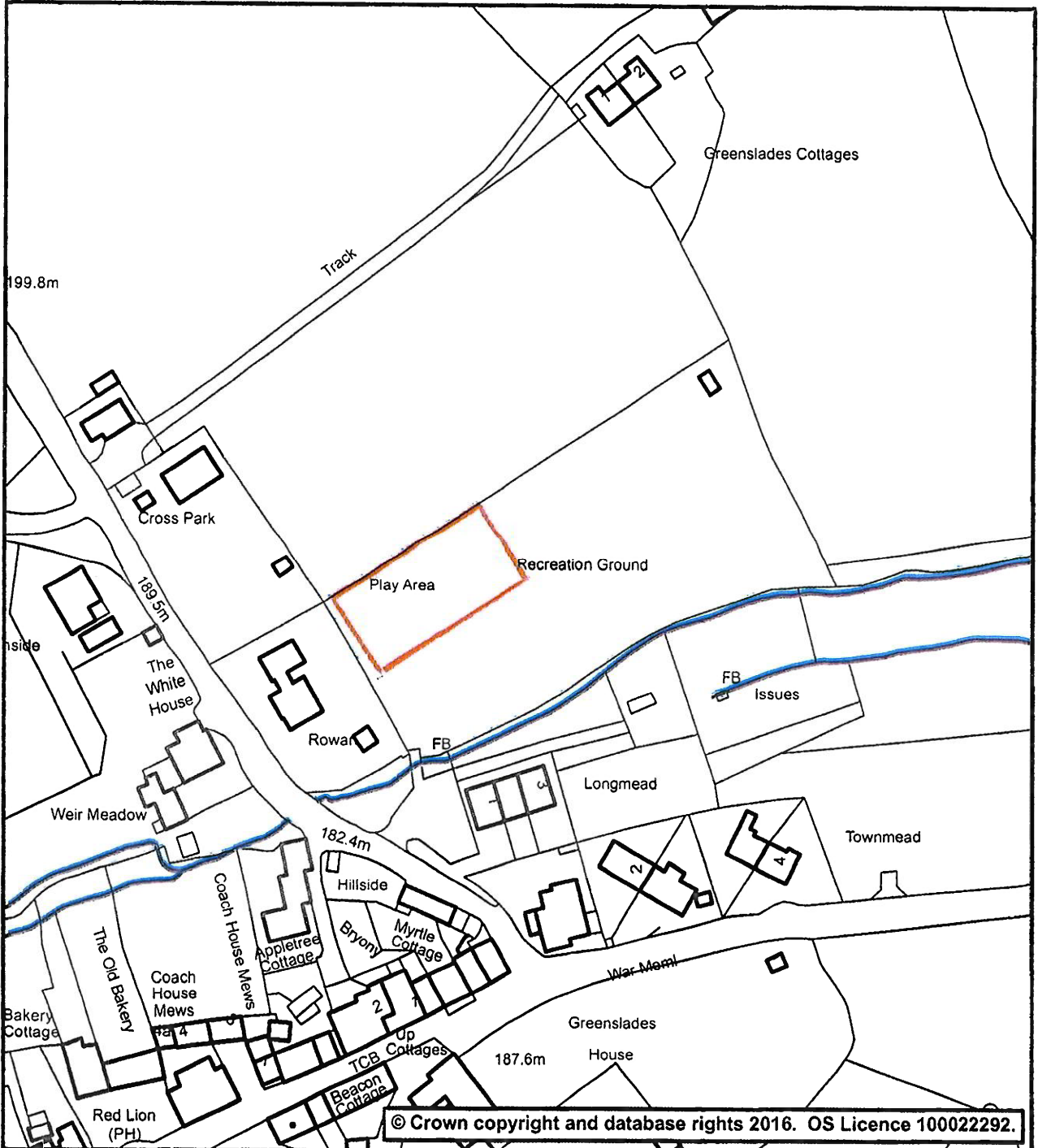
Plan 2

Plan 3



Phoenix House
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255 Website: www.middevon.gov.uk

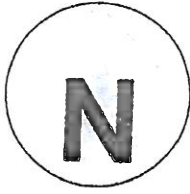


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| | |
|--|--------------------|
| Play Area - Recreation Ground Oakford | |
| Scale: 1:1,250 | Date: 30/05/2024 |
| Drg. No: Not Set 3 | User Name: sdenham |

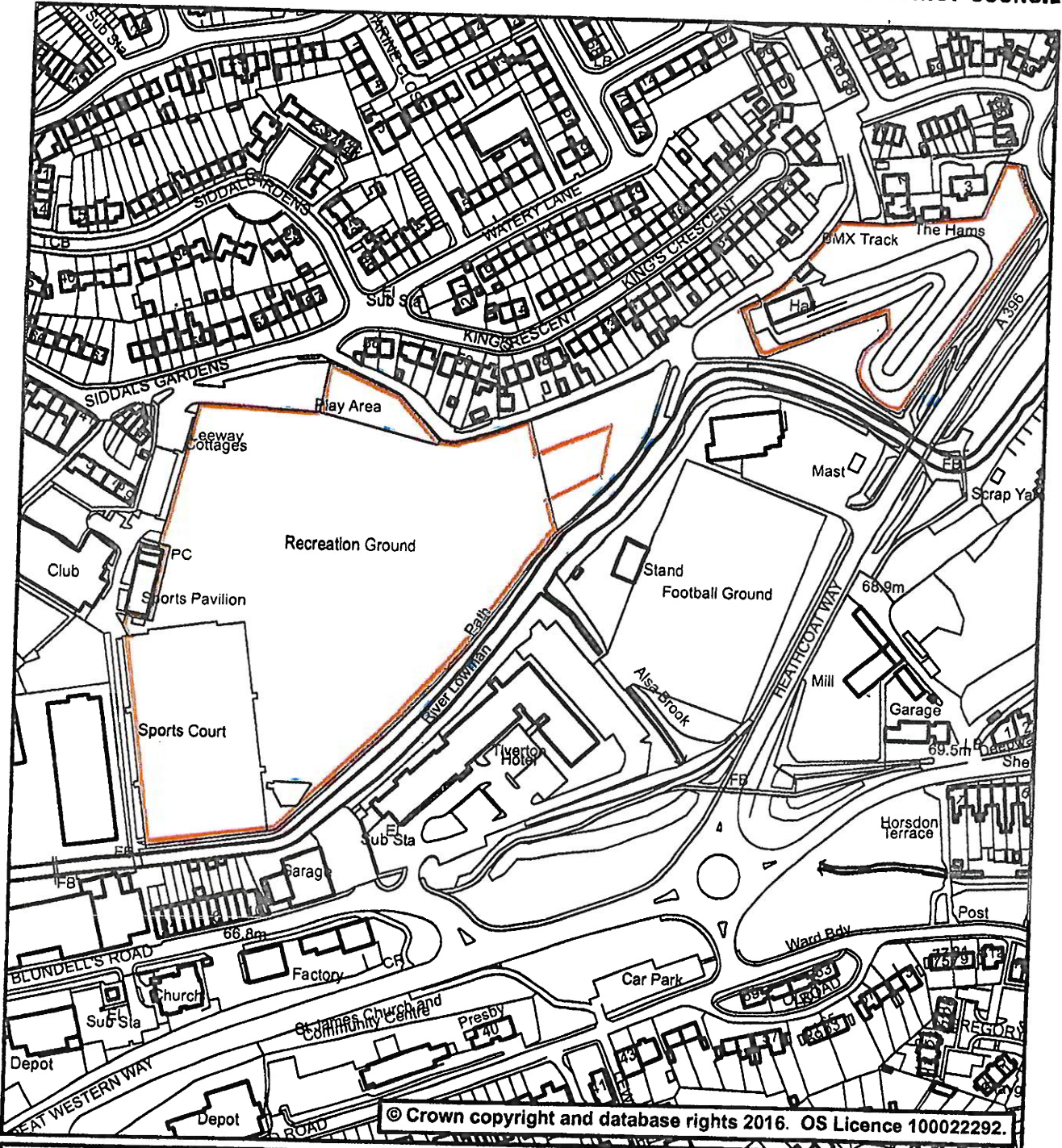
Plan 3

Plan 4



Phoenix House
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255 Website: www.middevon.gov.uk



| | |
|--|--------------------|
| Hardcore paving, play area and BMX track - Amory Park Tiverton | |
| Scale: 1:2,500 | Date: 05/12/2023 |
| Drg. No: Not Set 4 | User Name: sdenham |

Plan 4

Plan 5



Phoenix House
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255 Website: www.middevon.gov.uk



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| | |
|------------------------------|---------------------|
| Amory Park Tiverton | |
| Scale: 1:2,500 | Date: 23/01/2024 |
| Drg. No: Plan 5 5 | User Name: sdensham |

Plan 5