

Dogs on Public Rights of Way and Dog Fouling Information

What is the law relating to dog fouling?

Dog fouling of a Right of Way may be an offence under a bylaw and the person responsible for the dog may be liable for a fine if they do not clear up after it. Dog fouling is an offence and a fixed penalty notice fee may be issued for not clearing up after your dog or even a prosecution resulting in a fine.

What can be done about a dog fouling offence?

If you wish to take action against a dog owner who has not cleaned up after their dog, you should note what happened as soon as possible. Include the name and address of the person in charge of the dog, a description of the dog, plus details of the date, time and place of the offence.

Contact Environmental Health and Licensing (0300 1234 212 or email envhealthandlicensing@cornwall.gov.uk) and ask for their control procedures. Clearly describe the place being fouled to find what regulations cover that area.

Can I take a dog on a Public Right of Way?

Yes, a dog is considered a 'usual accompaniment' of a person on foot. Nonetheless this entitlement is confined to the line of the path and only exists whilst the dog is accompanied by its owner/ keeper. A trespass would be committed against the landowner if the dog is allowed to run off the definitive line of the path or if the owner/keeper stands at a gate and allows their dog to run free.

Must a dog be kept on a lead whilst on a Right of Way?

The law does not rule that a dog be kept on a lead whilst accompanied on a Public Right of Way. However, it does state that they must be kept under close control (see dogs and livestock below).

Dogs and livestock

The 'Dogs (Protection of Livestock) Act of 1953' makes it an offence to allow a dog to chase or attack livestock, or to be 'at large' in a field or enclosure in which there are sheep. 'At large' is defined as not on a lead, or otherwise under close control. **Remember** - A farmer may shoot a dog which is attacking or chasing livestock. This gives added weight to the Country Code which states that you must 'Keep your dogs under close control'.

I can't use a path because of an aggressive dog, who should I contact?

Any dog which stands on a Public Right of Way and, by its 'threatening behaviour', prevents users from using the path constitutes a public nuisance and is, therefore, considered to be an obstruction. 'Threatening behaviour'

may include snarling or running around the user barking in a threatening manner. Landowners and occupiers must ensure that such dogs are kept under proper control when in the vicinity of a public right of way.

What should dog owners do?

Responsible owners do not allow their dogs to foul public places. Ideally, dogs should be trained from an early age to 'go at home' in their own garden before or after a walk, rather than during. If dog fouling does occur away from home the responsible owner will clean up after the dog. A plastic bag can be used, or a special poop-scoop bags purchased from pet shops, veterinary surgeries or stores. Dispose of faeces in the poop-scoop bin or take the bag home. If this is not possible, as a last resort double-wrap the faeces in two plastic bags and dispose in a litter bin.

For more information contact [ENCAMS](#) (previously known as the Tidy Britain Group) ;
e-mail: info@encams.org