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Dog Fouling and the Law

a guide for the public



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- A brown recycling bin is shown in the background. It has a sign that reads 'PLEASE BE A RESPONSIBLE DOG OWNER' with an illustration of a person walking a dog and carrying a bag. There is also a smaller label on the bin that says 'Please Recycle'.
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Dog Fouling and the Law

Estimates put the UK dog population between 6.5 and 7.4 million, producing 1,000 tonnes of excrement per day. It is therefore not surprising that dog fouling is a major issue in many different areas of the UK. This guide aims to outline the law and best practice in tackling the problem of dog fouling and to help members of the public to complain in the appropriate way. There is also a section that gives answers to the most frequently asked questions on the subject.



Prosecution of dog owners who fail to clean up

Local authorities and town and parish councils can make a Dog Control Order to provide controls on the handling and behaviour of dogs on areas of land within their authority. There are five different types of dog control offences for which an order can be made. These include:

- Fouling of Land by Dogs Order – Offence of failing to remove dog faeces;
- The Dog on Lead Order – Ensuring a dog is kept on a lead;
- The Dog on Leads by Direction Order – Offence of not putting a dog on a lead under direction of an authorised officer;
- The Dogs Exclusion Order – Offence of permitting a dog to enter land from which it is excluded;
- The Dogs (Specified Maximum) Order – Offence of taking more than a specified number of dogs onto land.

The maximum penalty for committing an offence under a Dog Control Order is £1000 in a Magistrates Court. However an authorised officer of an authority may alternatively issue a Fixed Penalty Notice. The amount of the fixed penalty can be set by the local authority within a prescribed range, but will be £75 unless another amount is specified.

Bylaws and Local Acts of Parliament will remain in force until such time as a Dog Control Order is made for the same land in respect of the same offence, thus effectively replacing the bylaw.

Designations made under the Dogs (Fouling of Land) Act 1996 prior to April 2006, will remain in force until such time as a Dog Control Order is made for any of the five offences on the same land. (Fixed Penalty Notices can therefore continue to be issued on land that is currently designated under the 1996 provisions, and these will remain at £50.)

For example, if a district has designated all its land under the 1996 Act, but makes a Dog Control Order in respect of a park requiring dogs to be kept on a lead, the 1996 Act will cease to apply in respect of the park, but will continue to have effect in the rest of the district until such a time as it might be extinguished by a further Dog Control Order.

It is intended that dog fouling offences are not applicable to working dogs or to guide dogs, although other types of offences can apply under certain circumstances.

PLACE
YOUR
USED
'POOP SCOOPS'
IN THIS BIN
REMEMBER!

Research by ENCAMS

ENCAMS completed research into dog fouling in 2002, and compiled a profile of the typical inconsiderate dog owner. The research was conducted to understand better the attitudes towards not clearing up after a dog, so that it could be attacked in a public media campaign.

Profile of a dog fouler

Using a wide ranging number of surveys during 2001 and 2002, ENCAMS believe that they have identified the behavioural traits of dog foulers. Although this profile is a generalisation, the same comments and attitudes to irresponsible dog ownership regularly came to the fore.

The profile shows that they would clear up after their dogs if they were shaken or shocked into it. ENCAMS have called this segment of the public "justifiers" as they justify their behaviour largely on the grounds that they don't know what to do, and that everyone else is doing it.

Typical quotes from this segment include; "what do you want me to do?", "if you've got a dog, it has to go somewhere", "everyone else is doing it so why not me?", "you can't be watching your dog all the time".

Research by ENCAMS has revealed the following profile;

- Justifiers are more likely to be male than female. They are found across all age groups with just a slightly higher proportion being between the ages of 18 and 24. Justifiers are found to be of all social classes.
- They only admit that they allow their dog to foul in a public place when pressed.
- They all know that they could be fined, but the majority did not believe they would ever be caught.
- Typical quotes include; "It could be £50,000 (the fine), but who is going to enforce it?", "I doubt it (being fined) would ever happen", "I don't know anybody who has been fined".



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General questions & answers

Dog facts

How many dogs are there in the UK?

In 2003 to 2004 the population of dogs in the UK has been reported as between 6.5 million and 7.4 million.

How much faeces do dogs produce?

Dogs produce 1,000 tonnes of faeces every day. Other estimates calculate that daily faecal and urinary output per dog is 100 – 200g and 0.25 – 1.25 litres.

Do all dog owners worm their pets?

54% of dog owners stated that they had neither bought nor used worming tablets on their pets.

Toxocara in dogs

Are there different types of toxocariasis?

There are two types of toxocara. Toxocara T.canis is transmitted from dogs and foxes whilst toxocara T.catis, is transmitted by cats. Both come from the roundworm toxocara.

If the fox is also a carrier, surely you can't blame dogs for toxocariasis

The fox is considered to be a significant host for T. canis in the UK and, therefore, the presence of foxes needs to be taken into account when control of toxocariasis is being considered. However, foxes will not defecate in open spaces, and the debate that states that toxocariasis in humans is as much due to

After testing a number of advertising images on dog owners, it was found that shock tactics and the link to toxocariasis was the most thought provoking and had the most impact. In the research, justifiers claimed that they would change their behaviour and clean up after their dog if they were told how to do it, and if the dangers of dog excrement and its link to toxocariasis were articulated. Above is ENCAMS successful dog fouling poster campaign which reduced dog fouling by 40% following the campaign.

Dog warden schemes

One of the most effective ways of tackling the dog fouling problem is with dog wardens. The dog warden has three important roles in the community:

Enforcement - enforcing the legislation relating to dog fouling, dogs in general and local bylaws.

Educational - to promote responsible attitudes to dog ownership, to develop an understanding of the role of the dog warden and how the public can be supportive.

Practical - handling and securing stray dogs, dealing with problems relating to noisy and nuisance dogs.

The perception of a dog warden can vary from area to area. Now that the dog warden's role is becoming more community related and is focussed on education, more people are beginning to understand the positive role of the dog warden and perceive them as an asset.

foxes as dogs is misleading. It is believed that the majority of infections arise from parks and play areas where foxes would not defecate.

How many parks are infected with toxocara eggs?

Random soil sampling shows that the majority of the parks in the UK are contaminated with toxocara eggs in various stages of development.

If parks are disinfected would that eradicate toxocara?

Toxocara eggs are resistant to freezing and disinfectants and can survive for two years or more.

Are all dogs infected?

It is reasonable to assume that all puppies are infected with toxocara T. canis and produce larger numbers of eggs than an adult dog. However, the prevalence of toxocara diminishes as the dog grows older.

Is it dangerous for me to clear up after my dog?

Won't I get toxocariasis?

Toxocara eggs are not infectious until they embryonate. This is usually at least 2 – 3 weeks after they have been deposited by a dog. Therefore freshly deposited faeces is not infectious, and you can safely clear up after your dog.

Are there many eggs in dog mess?

A single dog mess can contain approximately 1 million microscopic eggs.

Toxocariasis in humans

How many people in the UK have been infected with toxocariasis?

All reports reviewed indicate that human toxocariasis is potentially a serious infection. There is a debate, however, on the exact number of incidences in humans, which varies from 1 – 4% of adults. However, the study by Woodruff in 1970 is the most conclusive despite its age. He tested 700 people using a skin test and found 2% of them to be infected.

What are the symptoms of toxocariasis?

Eye disorders are the most commonly reported complaint associated with toxocariasis. This is by the transportation of larvae via the retinal artery to the eye, potentially causing blindness through the growth of non-malignant tumours or the development of detached retinas. The reporting of eye disorders in relation to toxocariasis may be due to the public and the medical profession being aware of the link. As the links to flu-like symptoms are not so obvious, it is very likely that a huge number of toxocariasis cases go unreported and unrecognised by either the public or by doctors. Other symptoms are vague aches, dizziness and nausea, asthma and epileptic fits.

How many people suffer eye damage from toxocariasis?

In a report by Dr S. Gillespie, (November 1993), he noted approximately 100 cases diagnosed each year, with 50 having serious eye damage. Nearly all were children, who had contracted the disease as toddlers.

Are there any useful treatments or is there a cure?
No.

How do you contract the disease?

Human infection of this disease is a direct consequence of soil or sand contamination with faeces carrying eggs of the parasite. As the parasite can last up to two years, contaminated soil and sand is often the carrier as the faeces degrade. The parasite can only infect humans if swallowed. Once swallowed the infection can last between six and 24 months. Frequently the infection is through hands,

but also with the dogs themselves or through inanimate objects such as wheels of toys, soles of shoes, etc. Therefore the prevalence of the toxocariasis is dominant in children between 18 months and five years.

Where are toxocara eggs most likely to be found?

Many infected soil samples are found in the vicinity of children's play areas, even though dogs are often banned from these areas. Other samples are found on streets. In the UK, about half of the most serious cases of toxocariasis, such as blindness, occur in families who have never owned a dog or a cat.

If I had toxocariasis, how big would the worms be?

The average size of the toxocara worm is between 2cm to 10cm long; although the worms tend to coil when expelled.

Have there been any press reports of cases of toxocariasis?

There are a number of reports every year, mostly in the regional press. Examples include; a report on a 24-year-old Skipsea resident who lost the sight in his left eye, (Bridlington Free Press, 27 April 1995). A seven-year old child, who won an out-of-court settlement as compensation for contracting the T.canis infection and losing the vision in one eye, (The Independent, 1988). Three-year-old Amy Phillips, who contracted toxocariasis and became blind in her left eye. (Environmental Health, July 1994).



Legislation to control dog fouling

What is the legislation regarding dog fouling?

The Clean Neighbourhoods and Environment Act 2005 has repealed the Dogs (Fouling of Land) Act 1996 and dog fouling is now one of five dog control matters that can be regulated by way of Dog Control Orders. The authority can designate areas of land and make a Dog Control Order to apply to that land. This could be any land which is open to the air on at least one side and to which the public have access (with or without payment). There are exceptions which apply (or could be applied) to certain types of land, for example, roads (and highways) in respect of a Dog Control Order excluding dogs from land.

This system of Dog Control Orders replaces that of making bylaws, or designations under the now repealed Dogs (Fouling of Land) Act 1996. However, existing bylaws will continue to apply until a control order is made in concern of the same offence and relating to the same land. Existing dog fouling designations will continue to apply until a control order is made for any of the dog offences in respect of that land. In considering how appropriate a measure a Dog Control Order is for an area, an authority is urged to have a regard to balancing the needs of dog owners with the interests of the wider public, as well as practical considerations for the enforcement of the land.

The responsibility for cleaning up dog fouling is ultimately the owner or handler of the dog. However, bodies with a duty to keep land clear of litter and refuse, or highways clean under s. 89 of the Environment Protection Act 1990, are required under the Litter (Animal Droppings) Order 1991, to keep the following types of land clear of dog faeces:

- Any public walk or pleasure ground;
- Any land laid out as a garden and used for the purpose of recreation;
- Any part of the seashore which is frequently used by large numbers of people, and managed by the person having direct control of it as a tourist resort or recreational facility;
- Any esplanade or promenade which is above the place where the tide flows;
- Any land not forming part of a highway, which is open to the air, which the public are permitted to use on foot only, and which provides access to retail premises;
- A trunk road picnic area;
- A picnic site.

What can I do 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 your local authority and ask for details of their dog control procedures. Clearly describe the place being fouled to find what regulations cover that area.

Ask how the authority takes enforcement action. If fouling occurs at regular times, it may be possible for a dog warden or officer to witness the fouling and take action accordingly. In many cases the local authority will warn the offender before taking legal action and this warning may be sufficient to deter further offences.

Solutions to the problem

What are the solutions to the problem?

If every owner treated their dog with a worming preparation and cleared up after their dog, toxocarasis would be virtually eradicated. However, worming a dog will not eradicate toxocara unless they are wormed regularly.

What is the best way to clear up after your dog?

Use a doggy bag, or a carrier bag, to pick up the faeces. Ideally, this should then be placed in a designated dog bin. If this is not possible, take the bag home or, as a last resort, double wrap the faeces and put in a normal litter bin. Poop scoops can also be used, they are available from most pet stores.

If I have a puppy how often should I worm it?

Virtually all puppies are born with the toxocara infection; they may need to be wormed at two, four, six and eight weeks and thereafter every two months, depending on the worming product. Check details with your vet.

Useful Contacts

Community Hygiene Concern

Manor Gardens Centre
6-9 Manor Gardens, London, N7 6LA
Tel: 0207 686 4321. Web: www.chc.org

Community Hygiene Concern provides information, advice and research on toxocara.

Defra – Information Resource Centre

Lower Ground Floor, Ergon House, c/o Nobel House,
17 Smith Square, London SW1P 3JR
Tel: 08459 33 55 77. Web: www.defra.gov.uk

Relevant leaflets are available.

The Good Dog Campaign

1 Bedford Avenue, London, WC1B 3AU
Tel: 0207 255 5415 Web: www.ndwa.co.uk

Information available includes a dog warden action pack and a good dog campaign pack.

Kennel Club

1-5 Clarges Street, Picadilly, London, W1J 8AB
Tel: 0870 606 6750. Fax: 0207 518 1058.
Web: www.the-kennel-club.org.uk

A 'Good Citizen Dog Scheme' is available to train dog owners about their responsibilities.

Dogs Trust

17 Wakely Street, London, EC1V 7RQ
Tel: 0207 837 0006. Fax: 0207 833 2701.
Web: www.dogstrust.org.uk

The Dogs Trust produce cartoon style posters and a fouling fact sheet for dog owners.

National Playing Fields Association

Stanley House, St Chads Place, London, WC1X 9HH
Tel: 0207 833 5360. Fax 0207 833 5365.
Web: www.npfa.co.uk

The National Playing Fields Association publishes 'Taking the lead' which gives guidance on good practice for dog fouling control for managers of recreation spaces.

The Pet Health Council

1 Bedford Avenue, London, WC1B 3AU
Tel: 0207 255 5408. Fax: 0207 255 54 54
Web: www.pethealthcouncil.co.uk

Information can be provided on worming, training and choosing a dog.

RSPCA

Wilberforce Way, Southwater, West Sussex, RH13 9RS
Tel: 0870 5555 999. Fax: 0870 7530 284
Web: www.rspca.org.uk

ENCAMS

Elizabeth House The Pier Wigan WN3 4EX
T: 01942 612621 F: 01942 824778
E: enquiries@encams.org W: www.encams.org

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