



# **DOG FOULING AND THE LAW**

**a guide for the public**





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Estimates put the UK dog population between 6.5 and 7.4 million, producing 1000 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.

# DOG FOULING AND THE LAW

## England, Scotland and Wales

The Litter (Animal Droppings) Order 1991 of the Environmental Protection Act (1990) places a duty on local authorities to keep the following areas clear of dog faeces;

- Any public walk or pleasure ground;
- Any land...laid out as a garden or 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 at mean high water springs;
- Any land not forming part of the highway or, in Scotland, a public road, 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.

This means that local authorities must keep highways clear of dog faeces, as far as is practical.

## Northern Ireland

The Litter (Northern Ireland) Order 1993 section 6 gives local authorities the duty to keep its relevant land or any relevant road for which it is responsible, clear of litter and refuse (this includes dog faeces).



# PROSECUTION OF DOG OWNERS WHO FAIL TO CLEAR UP

## ENGLAND AND WALES

The Dogs (Fouling of Land) Act 1996, allows authorities to designate any land in their area as poop scoop areas where dog owners must clean up after their pets without having to refer to central government. The land must be publicly accessible and open to the air, however the following is not included;

- Carriageways with a speed limit of more than 40 mph
- Land used for agriculture or woodlands
- Land which is predominantly marshland, moor or heath
- Rural common land

Exceptions to the offence are:

- The person in charge of the dog has a reasonable excuse for not clearing up (being unaware of the fouling or not having the means to clean up is not an excuse)
- The owner or occupier of the land has consented to the faeces being left
- The person puts the faeces in a bin on the land
- The person in charge of the dog has a registered visual impairment

The penalty for not clearing up dog fouling is up to £1,000. There is also provision for a fixed penalty scheme with a fine of £50 in England. At present this money goes back to the Treasury although there are

plans to divert the money back to local authorities. Authorities can authorise contractors such as dog wardens to enforce the scheme. Authorities can also agree to give the powers to other designated persons such as parish councillors.

There is no requirement to provide signs or dog waste bins.

## NORTHERN IRELAND

Under the Litter (Northern Ireland) Order 1994, it is an offence to deposit and leave dog faeces on publicly accessible land. The penalty is up to £500. Section 4 gives authorised persons the right to demand the name and address of offenders and if they are not supplied then a further offence is committed. Section 5 makes fixed penalties available to authorised officers of the local authority. The standard fine is £10.

## SCOTLAND

The Civic Government (Scotland) Act 1982 section 48 makes it an offence to allow a dog to foul a footpath, local authority grass verge, a local authority pedestrian precinct and any local authority maintained recreation or sports ground. The fine is up to £500.

Management rules can be adopted by local authorities in designated areas such as parks.

Copies of all relevant legislation are available from HMSO.

# 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;

- The ‘justifying’ trait is shared by 4.6million adults, which is around 60% of the dog owning public.
- 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 are most likely to read the Sun and the Mirror. The Daily Mail and the Financial Times are less frequently read by this type of person.
- They enjoy TV and cinema amongst numerous other interests, but are not so keen on soap operas.
- They have a wide variety of preferred books and films, either romantic comedies or action/adventure.
- Around half have Internet access, largely at home, but are not particularly confident in its usage.
- 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”.

After testing a number of advertising images on dog owners, it was found that shock tactics and the link to toxocarasis 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 toxocarasis was articulated. Below is ENCAMS successful dog fouling poster 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 bye-laws

**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.

# SOME GENERAL QUESTIONS

## DOG FACTS

### HOW MANY DOGS ARE THERE IN THE UK?

In 2000 to 2001 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 1000 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.

# AND ANSWERS

## **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 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 are 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 Dogs (Fouling of Land) Act 1996 allows local authorities to designate most public land as poop scoop areas without having to refer to central government. Previously, local authorities had to secure the agreement of central government to create the necessary bye-law. Under the new act, failure to clear up on designated land is an offence subject to a maximum fine of £1000. Local authorities can also give offenders the option of paying a fixed penalty rather than go to court. The main legislation relating to dog fouling is dealt with under the Environmental Protection Act 1990 (Part IV). This only applies to England; legislation is slightly different in Wales, Northern Ireland and Scotland.

## 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, toxocariasis 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, but a lot of owners don't like carrying them around.

### 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 & eight weeks and thereafter every two months, depending on the worming product. Check details with your vet.

## FURTHER SOURCES OF INFORMATION

### Where can I go for more information?

ENCAMS runs the Keep Britain Tidy campaign and has information on its website at [www.encams.org](http://www.encams.org). You can also get further copies of this booklet which can be ordered free of charge through the PUBLICATIONS section on the website, or via a telephone ordering line between 9am and 4pm on weekdays on 01942 612639. Other useful contacts are shown below.

## USEFUL CONTACTS

### Community Hygiene Concern

Manor Gardens Centre  
6-9 Manor Gardens, London, N7 6LA  
Tel: 0207 686 4321. Web: [www.chc.org](http://www.chc.org)

Community hygiene concern provides information, advice and research on toxocara.

### Department for Environment Food and Rural Affairs (Animal Health)

1A Page Street, London, SW1P 4PQ  
Tel: 0207 904 6246. Web: [www.defra.gov.uk](http://www.defra.gov.uk)

Relevant leaflets are available.

### The Good Dog Campaign

1 Bedford Square, London, WC1B 3AU  
Tel: 0207 255 1100

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

### Kennel Club

1-5 Clarges Street, Picadilly, London, W1Y 8AB  
Tel: 0870 606 6750. Fax: 01296 486 725.  
Web: [www.the-kennel-club.org.uk](http://www.the-kennel-club.org.uk)

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

### National Canine Defence League

17 Wakely Street, London, EC1V 7LT  
Tel: 0207 837 0006. Fax: 0207 833 2701.  
Web: [www.ncdl.org.uk](http://www.ncdl.org.uk)

The National Canine Defence League 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](http://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 631 0602  
Web: [www.pethealthcouncil.co.uk](http://www.pethealthcouncil.co.uk)

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

### RSPCA

Causeway, Horsham, West Sussex, RH12 1HG  
Tel: 01403 264 181. Fax: 01403 241 048  
Web: [www.rspca.org.uk](http://www.rspca.org.uk)



Central Office for English Regions

Environmental Campaigns trading as ENCAMS

Elizabeth House The Pier Wigan WN3 4EX

T: (01942) 612621 F: (01942) 824778 E: [enquiries@encams.org](mailto:enquiries@encams.org)

Keep Scotland Tidy

Islay House, Livilands Lane, Stirling, FK8 2BG

T: (01786) 471333 F: (01786) 464611 E: [ksb@encams.org](mailto:ksb@encams.org)

Tidy Northern Ireland

1st Floor Studio A 89 Holywood Road Belfast BT4 3BA

T: (02890) 471144 F: (02890) 471447 E: [tni@encams.org](mailto:tni@encams.org)

Keep Wales Tidy

33/35 Cathedral Road Cardiff CF11 9HB

T: (02920) 256767 F: (02920) 256768 E: [south@keepwalestidy.org](mailto:south@keepwalestidy.org)

ENCAMS runs the Keep Britain Tidy campaign.



**Keep Britain Tidy** 



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