

**The Mid Devon (Public Spaces Protection)
(Dog Control) Order 2021 (Variation 1)**

**Section 61 of the Anti-Social Behaviour, Crime
and Policing Act 2014**

Introduction

Mid Devon District Council (in this Order called “the Council”), in exercise of its powers under Section 61 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“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 at the following public spaces

- A recreation ground situated at Longmead Hemyock,
- An area of open space situated at Millhayes Hemyock,
- An enclosed play area situated at Kentisbeare, and
- An enclosed play area situated at Siskin Chase Cullompton

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 makes the following Order.

1. Definitions and Interpretation

1.1 In the following provisions of this Order, the following terms shall have the meanings hereby respectively ascribed to them:-

“2021 Order” means the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021

“Hemyock Plans” means the two plans attached to this Order marked “Plan 36A” and “Plan 36B” respectively

“Kentisbeare Plan” means the plan attached to this Order marked “Plan 138”

“Siskin Chase Plan” means the plan attached to this Order marked “Plan 82”

“Plan 36” means the plan marked “Plan 36” attached to the 2021 Order

“Plan 82” means the plan marked “Plan 82” attached to the 2021 Order.

“Plan 137” means the plan marked “Plan 137” attached to the 2021 Order.

1.2 Except when the context otherwise requires, the singular includes the plural and vice-versa; and the masculine includes the feminine and vice-versa.

1.3 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.

2. Scope

This Order varies the 2021 Order.

3. Duration

This Order shall come into effect on [] 2022

4. Title

This Order may be cited as “The Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 (Variation 1)”

5. Variation

5.1 The 2021 Order shall be amended as follows:-

a) by attaching to the 2021 Order the Hemyock Plans which shall be inserted immediately after Plan 36

b) by adding to Schedule C to the 2021 Order starting on a new line after the words “Plan 36 - Victoria Close Willand” the following words:-

“Plan 36A - Recreation Ground Longmead Hemyock

Plan 36B - Open Space at Millhayes Hemyock”

c) by removing Plan 82 and replacing with it with the Siskin Chase Plan

d) by adding to Schedule D to the 2021 Order starting on a new line after the words “Plan 137 - Play Area Worcester Crescent, Willand” the following words:-

“Plan 138 – Play Area Kentisbeare”

e) by attaching to the 2021 Order the Kentisbeare Plan which shall be inserted immediately after Plan 137

5.2 In all other respects the 2021 Order (as varied by this Order) shall remain in full force and effect.

11. Appeal

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 this Order.

12. Validity (Severance)

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

