

**REVIEW OF LOCAL STATUTORY PROVISIONS
LOCAL GOVERNMENT ETC (SCOTLAND) ACT 1994: SECTION 59
APPLICATION FOR EXEMPTION OR POSTPONEMENT FROM REPEAL**

1. **Title of Provision**

Management Rules for the Prohibition of Dogs from Children's Playgrounds and Sports Playing Fields.
2. **Effect and extent**

These Management Rules are effective from 1st April, 1994. The Rules are concise and deal with the introduction of dogs on to children's playgrounds and sports playing fields.
3. **Has the Council reviewed this provision and concluded that it is still required beyond 31 December 1999?**

The Council has reviewed the position and concludes that the Management Rules are required beyond 31st December, 1999.
4. **Does the Council seek (i) exemption from repeal or (ii) postponement of repeal of the provision?**

The Council seeks exemption from repeal.
5. **Is the content of the provision appropriate to contemporary needs?**

The Rules are still applicable to current needs. The Council is, however, experiencing difficulties in enforcing these Rules and Officers are considering whether By-laws would be appropriate. It is stressed that no firm steps have been taken in this direction to date.
6. **Does the provision apply to the whole of the Council's area? If not, why is it considered appropriate to continue to limit its application to the area in question?**

The Rules apply to the whole of The Moray Council area.
7. **Is it confirmed that the provision does not duplicate matters in public statute?**

It is confirmed that the Management Rules do not duplicate matters contained within public statute.
8. **If exemption is sought, why is it considered inappropriate to re-enact the provision, e.g. no changes required to existing legislation?**

Full consideration is being given by the Council to whether or not By-laws would be more appropriate than Management Rules. However no firm steps have been taken in this direction.
9. **If postponement is sought, when will a Provisional Order be deposited re-enacting the provision?**

N/A.
10. **Any other factors or information which the Council considers relevant.**

N/A.

MORAY DISTRICT COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

MANAGEMENT RULES FOR THE PROHIBITION OF DOGS FROM CHILDREN'S PLAYGROUNDS AND SPORTS PLAYING FIELDS

By virtue and in terms of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982, Moray District Council hereby make the following Management Rules for children's playgrounds and sports playing fields in Moray District:-

INTERPRETATION OF TERMS

- I. In the construction of these rules, the following expressions shall have the meanings hereby assigned to them, that is to say,
 - (i) "The Council" means the Moray District Council as constituted by the Local Government (Scotland) Act 1973.
 - (ii) "Authorised Officer" means the Director of Leisure and Libraries or any other person appointed by the Director of Leisure and Libraries as an Authorised Officer.
 - (iii) "Children's Playground" means any land provided, owned, leased, occupied or managed by the Council within the Moray District and used as a playground for children and structures and buildings connected therewith.
 - (iv) "Sports Playing Field" means any land provided, owned, leased, occupied or managed by the Council within the Moray District delineated or otherwise marked as a playing surface for sports such as football, rugby, hockey, cricket and any other similar sporting games carried out on delineated or otherwise marked playing surfaces.

2. MANAGEMENT RULES

- (a) With the exception of guide dogs for the blind under the control of their owners it is prohibited for any person in charge of a dog to allow it to enter on or in a children's playground or sports playing fields.
- (b) No person shall, in any children's playground or sports playing fields, wilfully obstruct, interrupt or annoy Authorised Officers in carrying out their duties.
- (c) Any person challenged by an Authorised Officer with a contravention of any of these rules shall give his or her full name and address.

- (d) Any person who has broken any of these rules may be required by an Authorised Officer to leave, along with their dog, any children's playground or sports playing field.
- (e) If any person persistently contravenes these rules the Council may make an exclusion order banning that person from the children's playground or sports playing field for up to a year.
- (f) These rules shall come into effect on

3. RIGHT OF APPEAL

Any person wishing to appeal against a decision taken in terms of these Management Rules must do so in writing to the Director of Administration and Law within 14 days of that decision.

NOTES

Copies of these rules can be inspected free at the Council's Department of Administration and Law, District Headquarters, High Street, Elgin, any Area Office or Library.

It is a criminal offence for a person in charge of a dog to refuse to leave along with their dog from any children's playground or sports playing field when required to do so or to allow their dog to enter children's playground when requested not to by an Authorised Officer of the District Council. It is also a criminal offence to breach an exclusion order.

The maximum penalty in each case is £100.

Certified that these Management Rules are a true copy of those made by Moray District Council and are effective from 1st April, 1994.

Director of Administration and Law
Moray District Council