



2011 CHAPTER 23

PART 3

LITTER

Shopping and luggage trolleys

Section 24: transitional provision

25.—(1) This section applies if, before the commencement date, a district council has resolved under Article 19 of the [Litter \(Northern Ireland\) Order 1994 \(NI 10\)](#) that Schedule 1 to that Order is to apply in its district.

(2) If the day specified in the resolution for the coming into operation of Schedule 1 in the council's district falls on or after the commencement date, the resolution is to be of no effect.

(3) If Schedule 1 applies in the council's district immediately before the commencement date, the Schedule is to continue to apply in the council's district on and after the commencement date as it applied before that date.

(4) But Schedule 1 shall not so apply in relation to any shopping or luggage trolley seized by the council on or after the relevant day.

(5) For the purposes of subsection (4) the relevant day is the earlier of—

- (a) the third anniversary of the commencement date;
- (b) if the council resolves under Article 19 of the [Litter \(Northern Ireland\) Order 1994](#) that Schedule 1 (as amended by section 24) is to apply in its district, the day specified in the resolution as the day on which the Schedule (as so amended) comes into force in its district.

(6) So long as Schedule 1 continues to apply as described in subsection (3), the reference to Schedule 1 in Article 19(4) of the Litter (Northern Ireland) Order 1994 is to be treated as including a reference to Schedule 1 as it so applies.

(7) If the council resolves under Article 19 that Schedule 1 (as amended by section 24) is to apply in its district, the council may not in giving effect to paragraph 4(1) of Schedule 1 (as so amended) take into account charges payable in relation to shopping or luggage trolleys seized before the Schedule (as so amended) comes into operation in its district.

(8) Nothing in this section prevents the council from bringing to an end the application of Schedule 1 in its district.

(9) In this section—

“the commencement date” is the day on which section 24 comes into operation;

“luggage trolley” and “shopping trolley” have the same meaning as in Schedule 1 to the Litter (Northern Ireland) Order 1994.