STATUTORY INSTRUMENTS

1994 No. 1896

The Litter (Northern Ireland) Order 1994

Street litter

Street litter control notices

13.—(1) A district council may, with a view to the prevention of accumulations of litter in and around any street or open land adjacent to any street, issue notices ("street litter control notices") imposing requirements on occupiers of premises in relation to litter, in accordance with this Article and Article 14.

(2) If the council is satisfied, in respect of any premises which are of a description prescribed under Article 14(1)(a) and have a frontage on a street in its district, that—

(a) there is recurrent defacement by litter of any land, being part of the street or open land adjacent to the street, which is in the vicinity of the premises, or

(b) the condition of any part of the premises which is open land in the vicinity of the frontage is, and if no notice is served is likely to continue to be, detrimental to the amenities of the locality by reason of the presence of litter, or

(c) there is produced, as a result of the activities carried on on the premises, quantities of litter of such nature and in such amounts as are likely to cause the defacement of any part of the street, or of open land adjacent to the street, which is in the vicinity of the premises,

the council may serve a street litter control notice on the occupier or, if the premises are unoccupied, on the owner of the premises.

(3) A notice shall, subject to Article 14(2), (3) and (4)—

(a) identify the premises and state the grounds under paragraph (2) on which it is issued;

(b) specify an area of open land which adjoins or is in the vicinity of the frontage of the premises on the street;

(c) specify, in relation to that area or any part of it, such reasonable requirements as the council considers appropriate in the circumstances;

and, for the purposes of sub-paragraph (b), an area which includes land on both sides of the frontage of the premises shall be treated as an area adjoining that frontage.

(4) In this Article and Article 14—

"notice" means a street litter control notice;

"open land" means land in the open air;

"the premises", in relation to a notice, means the premises in respect of which the notice is issued;

"specified area" means the area specified in a notice under paragraph (3)(b); and

"street" means a road over which there is a right of way on foot.

Street litter: supplementary provisions

14.—(1) The Department may, by order, specify—

(a) the descriptions of commercial or retail premises in respect of which a street litter control notice may be issued;

(b) the descriptions of land which may be included in a specified area; and

(c) the maximum area of land which may be included in a specified area.

(2) The power to describe premises or land under paragraph (1)(a) or (b) includes power to describe the premises or land by reference to occupation or ownership or to the activities carried on there.

(3) The land comprised in a specified area—

(a) shall include only land of one or more of the descriptions specified under paragraph (1)(b);

(b) shall not include any land which is not—

(i) part of the premises,

(ii) part of a street,

(iii) relevant land of a district council, or

(iv) land under the direct control of any other district council; and

(c) shall not exceed any applicable maximum area specified under paragraph (1)(c);

but a specified area shall not include any part of the premises which is or is part of a litter control area.

(4) The requirements which may be imposed by a notice shall relate to the clearing of litter from the specified area and may in particular require—

(a) the provision or emptying of receptacles for litter;

(b) the doing within a period specified in the notice of any such thing as may be so specified; or

(c) the doing (while the notice remains in force) at such times or intervals, or within such periods, of any such thing as may be so specified;

but a notice may not require the clearing of litter from any carriageway, except at a time when the carriageway is closed to all vehicular traffic.

(5) In relation to so much of the specified area as is not part of the premises the council shall take account, in determining what requirements to impose, of its own duties under this Order or otherwise, and of any similar duties of any other district council, in relation to that land.

(6) A district council proposing to serve a notice shall—

(a) inform in writing the person on whom the notice is to be served;

(b) give him the opportunity to make representations about the notice within the period of 21 days from the day on which he is so informed; and

(c) take any representations so made into account in making its decision.

(7) A person on whom a notice is served may appeal against the notice to a court of summary jurisdiction within the period of 21 days from the date on which the notice was served; and the court may quash the notice or may quash, vary or add to any requirement imposed by the notice.

(8) If it appears to the council that a person has failed or is failing to comply with any requirement imposed by a notice the council may apply to a court of summary jurisdiction for an order requiring the person to comply with the requirement within such time as may be specified in the order.

(9) A person who, without reasonable excuse, fails to comply with an order under paragraph (8) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(10) A district council—

(a) may provide and maintain in any street receptacles for litter;

(b) shall make arrangements for the regular emptying and cleaning of any receptacles provided by it under sub-paragraph (a); and

(c) may clean and empty receptacles for litter provided in any street by any other person.

(11) The regular emptying mentioned in paragraph (10)(b) shall be sufficiently frequent to ensure that no such receptacle or its contents shall become a nuisance or give reasonable grounds for complaint.

(12) A district council shall not provide, or serve a notice requiring the provision of, receptacles for litter except after consultation with the Department.

(13) In this Article "carriageway" has the same meaning as in Article 2(2) of the Roads (Northern Ireland) Order 1993(**1**).

(**1**) 1993 NI 15