



# **Clean Neighbourhoods and Environment Act (Northern Ireland) 2011**

## CHAPTER 23

### CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NORTHERN IRELAND) 2011

#### PART 1

#### GATING ORDERS

1. Gating orders

#### PART 2

#### VEHICLES

##### *Nuisance parking offences*

2. Exposing vehicles for sale on a road
3. Repairing vehicles on a road

##### *Nuisance parking offences: fixed penalty notices*

4. Power to give fixed penalty notices
5. Power to require name and address
6. Use of fixed penalty receipts

*Status: This is the original version (as it was originally enacted).*

*Abandoned vehicles*

7. Offence of abandoning a vehicle: fixed penalty notices
8. Notice of removal of vehicle by district council
9. Disposal of removed vehicle by district council
10. Guidance

*Illegally parked vehicles*

11. Notice of removal of vehicle
12. Disposal of vehicle by police officer
13. Disposal of vehicle by Department

PART 3

LITTER

*Offence of dropping litter*

14. Offence of dropping litter in lake, pond or watercourse
15. Penalty for failing to provide name
16. Litter offence: fixed penalty notice

*District council notices*

17. Litter clearing notices
18. Street litter control notices
19. Street litter: supplementary provisions
20. Failure to comply with notice: fixed penalty notices

*Free distribution of printed matter*

21. Controls on free distribution of printed matter

*Fixed penalty notices: supplementary*

22. Fixed penalty notices: supplementary

*Exclusion of liability for district councils*

23. Exclusion of liability

*Shopping and luggage trolleys*

24. Abandoned shopping and luggage trolleys
25. Section 24: transitional provision

PART 4

GRAFFITI AND OTHER DEFACEMENT

*Penalty notices for graffiti and fly-posting*

26. Penalty notices for graffiti and fly-posting
27. Amount of penalty
28. Penalty notices: power to require name and address
29. Penalty receipts
30. Guidance

*Removal of graffiti and fly-posters*

31. Defacement removal notices
32. Recovery of expenditure
33. Guidance
34. Appeals
35. Exemption from liability in relation to defacement removal notices
36. Removal or obliteration of graffiti, placards and posters

*Aerosol paints*

37. Sale of aerosol paint to children

*Advertisements*

38. Unlawful display of advertisements

*Supplementary*

39. Power of district councils to obtain information

PART 5

DOGS

*Dog control orders*

40. Power to make dog control orders
41. Dog control orders: supplementary
42. Land to which this Part applies

*Fixed penalty notices*

43. Fixed penalty notices for contravention of dog control order
44. Amount of fixed penalties
45. Power to require name and address

*Supplementary*

46. Byelaws
47. Power of district councils to obtain information

PART 6

NOISE

CHAPTER 1

AUDIBLE INTRUDER ALARMS

*Alarm notification areas*

- 48. Designation of alarm notification areas
- 49. Withdrawal of designation
- 50. Notification of nominated key-holders
- 51. Nomination of key-holders
- 52. Offences under section 50: fixed penalty notices
- 53. Amount of fixed penalty
- 54. Use of fixed penalty receipts
- 55. Fixed penalty notices: power to require name and address

*Powers in relation to alarms*

- 56. Power of entry
- 57. Warrant to enter premises by force
- 58. Powers of entry: supplementary

*Interpretation of Chapter*

- 59. Interpretation of this Chapter

CHAPTER 2

AMENDMENTS TO THE NOISE ACT 1996

- 60. Dealing with noise at night
- 61. Noise offences: fixed penalty notices
- 62. Extension of Noise Act 1996 to licensed premises etc.

PART 7

STATUTORY NUISANCES

- 63. Statutory nuisances
- 64. Duty of district council to inspect for statutory nuisance
- 65. Summary proceedings for statutory nuisances
- 66. Abatement notice in respect of noise in the street
- 67. Supplementary provisions
- 68. Expenses recoverable from owner to be a charge on premises
- 69. Payment of expenses by instalments

- 70. Summary proceedings by persons aggrieved by statutory nuisances
- 71. Application of this Part to Crown

## PART 8

### MISCELLANEOUS AND SUPPLEMENTARY

#### *Use of fixed penalty receipts*

- 72. Use of penalty receipts

#### *Increase of penalty for pollution offences*

- 73. Offences relating to pollution etc.: penalties on conviction

#### *Offences by bodies corporate*

- 74. Offences by bodies corporate

#### *Supplementary*

- 75. Regulations and orders
- 76. Interpretation
- 77. Minor and consequential amendments and repeals
- 78. Commencement
- 79. Short title

---

## SCHEDULES

### SCHEDULE 1 — APPLICATION OF THE NOISE ACT 1996 TO LICENSED PREMISES ETC.

- 1. The Noise Act 1996 (c. 37) is amended as follows....
- 2. In the heading to section 2, omit the words “from...
- 3. (1) Section 2 (investigations of complaints of noise) is amended...
- 4. (1) Section 3 (warning notices) is amended as follows.
- 5. In the heading to section 4, after the words “where...
- 6. After section 4 (offence where noise exceeds permitted level after...
- 7. In section 5 (permitted level of noise), in subsection (1)...
- 8. In section 6 (approval of measuring devices), in subsection (3)...
- 9. (1) Section 7 (evidence) is amended as follows.
- 10. (1) Section 8 (fixed penalty notices) is amended as follows....
- 11. (1) Section 9 (section 8: supplementary) is amended as follows....

*Status: This is the original version (as it was originally enacted).*

12. (1) Section 10 (powers of entry and seizure etc.) is...
13. In the Schedule (powers in relation to seized equipment), in...

## SCHEDULE 2 — STATUTORY NUISANCES: SUPPLEMENTARY PROVISIONS

### *Appeals to a court of summary jurisdiction*

1. (1) This paragraph applies in relation to appeals under section...

### *Powers of entry etc.*

2. (1) Subject to sub-paragraph (2), any person authorised by a...
3. (1) Any person authorised by a district council may on...

### *Offences relating to entry*

4. (1) A person who wilfully obstructs any person acting in...

### *Default powers*

5. (1) This paragraph applies to the following functions of a...

### *Protection from personal liability*

6. Nothing done by, or by a member of, a district...

### *Statement of right of appeal in notices*

7. Where an appeal against a notice served by a district...

## SCHEDULE 3 — MINOR AND CONSEQUENTIAL AMENDMENTS PART 1 — VEHICLES

### *The Pollution Control and Local Government (Northern Ireland) Order 1978 (NI 19)*

1. In Article 86— (a) in paragraph (1) at the beginning...

### *The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)*

2. In Article 54(4)(c) after the words “the Pollution Control (Northern...

## PART 2 — LITTER

### *The Litter (Northern Ireland) Order 1994 (NI 10)*

3. (1) In Article 7(1) at the end of sub-paragraph (d)...

## PART 3 — STATUTORY NUISANCE

*The Housing of the Working Classes Act 1885 (c. 72)*

4. In section 9(1) for the words from “a nuisance within...

*The Public Health Acts Amendment Act 1907 (c. 53)*

5. In section 35— (a) for the words “the Public Health...

*The Office and Shop Premises Act (Northern Ireland) 1966 (c. 26)*

6. In section 72— (a) for paragraph (a) substitute—

*The Hovercraft Act 1968 (c. 59)*

7. In section 1(1)(g) for the words “or of Part III...

*The Mines Act (Northern Ireland) 1969 (c. 6)*

8. In section 129— (a) in subsection (2)—

*The Pollution Control and Local Government  
(Northern Ireland) Order 1978 (NI 19)*

9. (1) In Article 41(9) for the words “Article 39” substitute...

*The Clean Air (Northern Ireland) Order 1981 (NI 4)*

10. (1) In Article 25(5)— (a) for the words “7 or...

*The Quarries (Northern Ireland) Order 1983 (NI 4)*

11. In Article 10— (a) in paragraph (1)—

*The Housing (Northern Ireland) Order 1992 (NI 15)*

12. (1) In Article 74(1) for sub-paragraph (b) substitute—

*The Radioactive Substances Act 1993 (c. 12)*

13. In Schedule 3— (a) in Part III for paragraph 18...

*The Noise Act 1996 (c. 37)*

14. (1) In section 10(7)— (a) for the words “section 81(3)...

*The Housing (Northern Ireland) Order 2003 (NI 2)*

15. In Article 142(3)(b) for the words “section 110 of the...

*The Private Tenancies (Northern Ireland) Order 2006 (NI 10)*

16. In Article 36(8) for the words “section 110 of the...

*Status: This is the original version (as it was originally enacted).*

SCHEDULE 4 — REPEALS

PART 1 — VEHICLES

PART 2 — LITTER

PART 3 — DOGS

PART 4 — NOISE

PART 5 — STATUTORY NUISANCES