

*These notes refer to the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c.23) which received Royal Assent on 4 May 2011*

# Clean Neighbourhoods and Environment Act (Northern Ireland) 2011

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 8 – Miscellaneous and Supplementary**

##### ***Section 72 – Use of penalty receipts***

This section enables district councils to use for certain functions the money received from any fixed penalty notices they issue in respect of certain offences relating to litter, fly-posting, graffiti and dog control offences. The section also makes ancillary provision for the Department to regulate the issue of penalty receipts.

##### ***Section 73 – Offences relating to pollution etc.: penalties on conviction***

This section increases from £30,000 to £50,000, the maximum fine on summary conviction that may be provided for in Regulations made under pollution prevention and control provisions in the Environment (Northern Ireland) Order 2002. This will enable the maximum fines on summary conviction in the Pollution Prevention and Control Regulations (Northern Ireland) 2003 concerning, for example, contravention of the requirement for a permit to operate an installation or mobile plant, failure to comply with or to contravene a condition of a permit and failure to comply with the requirements of an enforcement notice or a suspension notice, to be brought into line with the equivalent maximum fines in respect of illegal waste activity set out in the Waste and Contaminated Land (Northern Ireland) Order 1997 in order to ensure consistency in this area of regulation. The increase to £50,000 also brings the level of fine into line with that which applies in England and Wales.

##### ***Section 74 – Offences by bodies corporate***

This section 74 modifies section 20(2) of the Interpretation Act (Northern Ireland) 1954 concerning offences by bodies corporate for the purposes of its application to this Act. The effect of this section is that it makes a company director and those that have control over a company guilty of an offence under this Act if it can be proved that the offence was committed with their consent or connivance, or could be attributed to their neglect.

***Section 75 – Regulations and orders***

This section provides that regulations and orders made by the Department may include such additional provisions as the Department considers necessary. Section 75 also specifies the orders and regulations which shall be subject to negative resolution and draft affirmative resolution.

***Section 76 - Interpretation***

This section contains interpretation provisions.

***Section 77 – Minor and consequential amendments and repeals***

This section provides for the amendments and repeals set out in Schedules 3 and 4 to have effect.

***Section 78 - Commencement***

This section concerns the commencement of the Act and enables the Department to make Commencement Orders.

***Section 79 – Short title***

This section provides a short title for the Act.

***Schedule 1 – Application of the Noise Act 1996 to licensed premises etc.***

This Schedule makes various amendments to the Noise Act 1996 so as to extend its application to licensed premises (including premises subject to an occasional licence), registered clubs and premises subject to an exhibition licence, entertainments licence and to premises where meals or refreshments are supplied.

***Schedule 2 – Statutory nuisances: supplementary provisions***

This Schedule provides supplementary provisions in connection with Part 7 (Statutory Nuisances) of the Act concerning appeals to a court of summary jurisdiction, powers of entry etc., offences relating to entry, default powers, protection from personal liability and statement of right of appeal in notices.

***Schedule 3 – Minor and consequential amendments***

This Schedule lists the minor and consequential amendments necessary in the Act.

***Schedule 4 - Repeals***

This Schedule lists the repeals brought in by the Act.