

STATUTORY INSTRUMENTS

**1978 No. 1049**

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

**PART III**

**NOISE**

Supplemental

**Execution of works by district council**

**49.**—(1) This Article applies—

- <sup>F1</sup>(a) .....
- (b) to a noise reduction notice; and
- (c) to an order of a court of summary jurisdiction under Article <sup>F2</sup>... 45(6),

being a notice or order which requires any person to execute any works.

(2) If that person fails to execute all or any of the works in accordance with the notice or order, the district council may execute those works.

(3) Where a district council executes works under—

- (a) Article <sup>F3</sup>... 45(7); or
- (b) this Article,

the district council may recover from the person in default the expenditure incurred by the council in executing the works, except such of the expenditure as that person shows was unnecessary in the circumstances.

(4) In proceedings to recover any amount due to a district council under paragraph (3) in respect of works executed by the council under this Article, it shall not be open to the person in default to raise any question which he could have raised on an appeal against the notice or order.

(5) In this Article “the person in default” means—

- <sup>F4</sup>(i) .....
- (ii) in a case under Article 45(7), the person convicted of an offence under paragraph (5) of that Article, and
- (iii) in any other case, the person to whom the notice or order applies.

**F1** Art. 49(1)(a) repealed (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, **Sch. 4 Pt. 5**; S.R. 2012/13, art. 2(2), Sch. 2

**F2** Words in art. 49(1)(c) repealed (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, **Sch. 4 Pt. 5**; S.R. 2012/13, art. 2(2), Sch. 2

**F3** Words in art. 49(3) repealed (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, **Sch. 4 Pt. 5**; S.R. 2012/13, art. 2(2), Sch. 2

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**Changes to legislation:** *There are currently no known outstanding effects for the Pollution Control and Local Government (Northern Ireland) Order 1978, Section 49. (See end of Document for details)*

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**F4** Art. 49(5)(i) repealed (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, **Sch. 4 Pt. 5**; S.R. 2012/13, art. 2(2), Sch. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Pollution Control and Local Government (Northern Ireland) Order 1978, Section 49.