
STATUTORY INSTRUMENTS

1978 No. 1049

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

PART VI

MISCELLANEOUS AND GENERAL

Legal proceedings

Miscellaneous provisions relating to legal proceedings

84.—(1) Where a person appeals against a decision of a court of summary jurisdiction dismissing an appeal against a notice served under this Order which was suspended pending determination of that appeal, the notice shall again be suspended pending the determination of the appeal.

(2) Where the commission by any person of an offence under this Order is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of an offence under this paragraph whether or not proceedings for the offence are taken against any other person.

(3) Notwithstanding anything in^{F1} Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981], proceedings for an offence under Article ...^{F2F3} . . . 29 may be brought at any time—
Sub-para.(a) rep. by 1980 NI 6

(b) in the case of an offence under Article 28, within six months from the date on which the litter thrown, dumped or otherwise deposited was last found to remain upon the place into or upon which it was thrown, dumped or deposited; or

(c) in the case of an offence under Article 29, within six months from the date on which the motor vehicle or thing which formed part of a motor vehicle was last found to remain upon the land on which it was abandoned.

(4) Where an appeal against a decision of a relevant council lies to a court of summary jurisdiction under this Order, the district council shall include in any document by which it notifies the decision to the person concerned a statement indicating that such an appeal lies as aforesaid and specifying the time within which it must be brought.

(5) Where on an appeal to any court against or arising out of a decision of a district council under this Order the court varies or reverses the decision the council shall act in accordance with the court's decision.

(6) A judge of any court^{F4}, resident magistrate or lay magistrate] shall not be disqualified from acting in cases arising under this Order by reason of his being, as one of several ratepayers or as one of any other class of persons, liable in common with the others to contribute to or be benefited by any rate or fund out of which any expenses of a district council are to be defrayed.

F1 1981 NI 26

F2 1980 NI 6

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

F3	1994 NI 10
F4	2002 c.26

Art. 85 rep. by 1997 NI 19

Changes to legislation:

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