
STATUTORY INSTRUMENTS

1994 No. 1896

The Litter (Northern Ireland) Order 1994

Clearing and cleaning land and roads

Duty to keep land and roads clear and clean

7.—(1) It shall be the duty of—

- (a) each district council, as respects its relevant land or any relevant road for which it is responsible,
- (b) the Department, as respects any road which is not a relevant road,
- (c) the appropriate authority, as respects its relevant Crown land,
- (d) each designated statutory undertaker, as respects its relevant land,
- (e) the governing body of each designated educational institution, as respects its relevant land, and
- (f) the occupier of any relevant land within a litter control area of a district council,

to ensure that the land or road is, so far as is practicable, kept clear of litter.

(2) Subject to Article 8(2), it shall also be the duty of—

- (a) each district council, as respects any relevant road for which it is responsible,
- (b) the Department, as respects any road which is not a relevant road,

to ensure that the road is, so far as is practicable, kept clean.

(3) In determining what standard is required, as respects any description of land or road, for compliance with paragraphs (1) and (2), regard shall be had to the character and use of the land or road as well as the measures which are practicable in the circumstances.

(4) Regulations may prescribe matter of any description for the purposes of paragraphs (1)(a) and (2)(a) which shall be litter to which the duties imposed by those paragraphs apply as respects roads whether or not it would be litter apart from this paragraph.

(5) A district council may, with the consent of the person who has the duty to keep any road or land clear under paragraph (1)(b) to (f), arrange for the clearing of the road or, as the case may be, the land and may enter into an agreement with such a person for the payment by him of charges in respect of the clearing.

(6) Nothing in this Article operates to confer on any person a right of action in tort against the Department or any district council for failing to carry out any duty imposed on it under this Article as respects any road.