

STATUTORY INSTRUMENTS

1994 No. 1896

The Litter (Northern Ireland) Order 1994

Penalty for leaving litter, etc.

Offence of leaving litter

3.—(1) If any person throws down, drops or otherwise deposits in, into or from any place open to the air, and leaves, any thing whatsoever in such circumstances as to cause, or contribute to, or tend to lead to, the defacement by litter of any such place, he shall, subject to paragraph (2), be guilty of an offence.

(2) It shall be a defence for a person charged with an offence under paragraph (1) to prove that the depositing and leaving of the thing was—

- (a) authorised by law, or
- (b) done with the consent of the owner or other person or authority having control of the place in or into which that thing was deposited.

[^{F1}(2A) A person may only give consent under paragraph (2) in relation to the depositing of litter in a lake, pond or watercourse if he is the owner, occupier or other person having control of—

- (a) all the land adjoining the lake, pond or watercourse; and
- (b) all the land through or into which water in that lake, pond or watercourse directly or indirectly discharges, otherwise than by means of a public sewer.

(2B) In paragraph (2A)—

- “ watercourse ” has the same meaning as in Article 2(2) of the Drainage (Northern Ireland) Order 1973; and
- “ public sewer ” has the same meaning as in Article 2(2) of the Water and Sewerage Services (Northern Ireland) Order 2006.]

(3) A person who is guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(4) A district council, with a view to promoting the abatement of litter, may take such steps as the council thinks appropriate for making the effect of paragraph (3) known to the public in its district.

F1 Art. 3(2A)(2B) inserted (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), ss. **14(2)**, 78; S.R. 2012/13, Sch. 2

Offence of permitting dogs to foul

^{F2}4.

F2 Art. 4 repealed (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, **Sch. 4 Pt. 3**; S.R. 2012/13, Sch. 2 (with art. 3)

Enforcement of Articles 3 and 4

5.—(1) Where an authorised person believes that an offence under Article 3 ^{F3}... has been committed, he may demand the name and address of any person whom he believes to be guilty of the offence.

(2) An authorised person (other than a constable in uniform) demanding the name and address of any other person under paragraph (1) shall, if so required, produce his credentials.

[^{F4}(3) A person commits an offence if—

- (a) he fails to give his name and address in response to a demand under paragraph (1), or
- (b) he gives a false or inaccurate name or address in response to a demand under that paragraph.

(3A) A person guilty of an offence under paragraph (3) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

(4) Without prejudice to the right of any other person to institute proceedings for an offence under Article 3 ^{F5}..., a district council may institute proceedings for such an offence committed in its district.

(5) In this Article—

[^{F6} “ authorised officer ” has the same meaning as in Article 6;]

“authorised person”, in relation to an offence believed to have been committed in any place, means—

- (a) an authorised officer of the district council within whose district the place is situated;
- (b) an authorised officer of the district council by whom the place is controlled or managed;
- (c) the owner or occupier of the place (being private land) or any servant or agent of his duly authorised by him in writing; or
- (d) a constable;

“believes” means believes on reasonable grounds.

F3	Words in art. 5(1) repealed (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23) , s. 78 , Sch. 4 Pt. 3 ; S.R. 2012/13 , Sch. 2 (with art. 3)
F4	S. 5(3)(3A) substituted (1.4.2012) for s. 5(3) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23) , ss. 15(2) , 78 ; S.R. 2012/13 , Sch. 2 (with art. 3)
F5	Words in art. 5(4) repealed (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23) , s. 78 , Sch. 4 Pt. 3 ; S.R. 2012/13 , Sch. 2 (with art. 3)
F6	Words in art. 5(5) inserted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23) , ss. 15(3) , 78 ; S.R. 2012/13 , Sch. 2 (with art. 3)

Fixed penalty notices

^{F7}6.—(1) Where on any occasion an authorised officer of a district council finds a person who he believes has on that occasion committed an offence under Article 3 ^{F8}... in the district of that council, he may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

(2) Where a person is given a notice under this Article in respect of an offence—

- (a) no proceedings shall be instituted for that offence before the expiration of 14 days from the date of the notice; and

(b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of that period.

(3) A notice under this Article shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state—

- (a) the period during which, under paragraph (2), proceedings will not be taken for the offence;
- (b) the amount of the fixed penalty; and
- (c) the person to whom and the address at which the fixed penalty may be paid;

and, without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).

(4) Where a letter is sent in accordance with paragraph (3) payment shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(5) Regulations may prescribe the form of notices under this Article.

[^{F9}(6) The fixed penalty payable in pursuance of a notice under this Article is payable to the district council whose authorised officer gave the notice.

(6A) The amount of a fixed penalty payable in pursuance of a notice under this Article—

- (a) is the amount specified by a district council in relation to its district, or
- (b) if no amount is so specified, is £75.

(7) A district council to which a fixed penalty is payable under this Article may make provision for treating it as having been paid if a lesser amount is paid before the end of a period specified by the council.]

(8) In any proceedings a certificate which—

- (a) purports to be signed by or on behalf of the clerk of the council; and
- (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

shall be evidence of the facts stated.

[^{F7}(8A) The Department shall prepare and issue, and may from time to time revise, a code of practice for the purpose of providing guidance on the giving by authorised officers of notices under this Article.

(8B) An authorised officer must have regard to the code of practice as for the time being in force in determining whether to give a person a notice under this Article.

(8C) A draft of the code of practice, or any revision of the code of practice, shall be laid before the Assembly.

(8D) If, within the statutory period beginning with the day on which a copy of the draft is laid before the Assembly, the Assembly so resolves, no further proceedings shall be taken in relation to the draft but without prejudice to the laying before the Assembly of a new draft.]

(9) In this Article—

[^{F10} “ authorised officer ”, in relation to a district council, means

- (a) —an employee of the district council who is authorised in writing by the council for the purpose of giving notices under this Article;
- (b) any person who, in pursuance of arrangements made with the council, has the function of giving such notices and is authorised in writing by the council to perform that function; and
- (c) any employee of such a person who is authorised in writing by the council for the purpose of giving such notices;]

“clerk of the council”, in relation to a district council, means the clerk appointed in accordance with section 41 of the Local Government Act (Northern Ireland) 1972^{F11};

“believes” has the same meaning as in Article 5.

- F7** Art. 6(8A)-(8D) inserted (18.1.2012 for specified purposes, otherwise 1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\), ss. 16\(3\), 78; S.R. 2012/13, Schs. 1, 2 \(with art. 3\)](#)
- F8** Words in art. 6(1) repealed (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\), s. 78, Sch. 4 Pt. 3; S.R. 2012/13, Sch. 2 \(with art. 3\)](#)
- F9** S. 6(6)(6A)(7) substituted for s. 6(6)(7) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\), ss. 16\(2\), 78; S.R. 2012/13, Sch. 2 \(with art. 3\)](#)
- F10** Words in art. 6(9) inserted (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\), ss. 16\(4\), 78; S.R. 2012/13, Sch. 2 \(with art. 3\)](#)
- F11** 1972 c. 9 (NI)

Use of fixed penalty receipts

^{F12} **6A**

- F12** Art. 6A repealed (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\), s. 78, Sch. 4 Pt. 2; S.R. 2012/13, Sch. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the The Litter (Northern Ireland) Order 1994, Penalty for leaving litter, etc..