

EXPLANATORY MEMORANDUM TO
The Environmental Offences (Fixed Penalties) (Miscellaneous Provisions)
Regulations (Northern Ireland) 2012

SR 2012 No. 35

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 29A(11) of the Pollution Control and Local Government (Northern Ireland) Order 1978, Article 18A(1) of the Litter (Northern Ireland) Order 1994, section 8A(5) of the Noise Act 1996 and sections 4(11), 27(3), 44(4) and 53(4) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (the 2011 Act) and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Regulations prescribe the ranges within which the amounts of certain fixed penalties that are capable of being specified by a district council are required to fall. The Regulations also prescribe the minimum amount of fixed penalty that a district council may (if it chooses to do so) treat as full payment of the fixed penalty where a lesser amount than the full prescribed amount is paid within such period of less than 14 days as may be specified by the district council.
- 2.2. The Regulations also revoke the Litter (Fixed Penalty Notices) Regulations (Northern Ireland) 1995, which had prescribed the form of notice which may be given by an authorised officer of a district council to a person who he believes has committed an offence under Article 3(1) of the Litter (Northern Ireland) Order 1994 offering the opportunity of discharging any liability to conviction by payment of a fixed penalty

3. Background

- 3.1. Fixed penalty notices are a simple and visible way of dealing with environmental offences. If used properly, they provide an effective deterrent and avoid the cost of court action. At present fixed penalty notices can be issued for littering and dog-fouling offences and also for some noise violation offences. The Act makes greater use of fixed penalty notices as an alternative to prosecution and gives district councils the flexibility, subject to upper and lower limits, to set their own fixed rates. The Act extends the use of fixed penalty notices for offences related to nuisance and abandoned vehicles, litter controls, other dog controls and additional noise controls.

4. Matters of Special Interest to the Environment Committee

4.1. None.

5. Consultation

5.1. The Department consulted on the proposed Regulations from 29 June to 23 September 2011.

6. Parity or Replicatory Measure

6.1. The Regulations replicate the relevant England and Wales provisions under the corresponding Act.

7. Equality Impact

7.1. Not applicable

8. Regulatory Impact

8.1. A regulatory impact assessment of the effect of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 is available on the Department's website. A separate regulatory impact assessment has not been produced for these Regulations as they have no impact on the cost to business.

9. Financial Implications

9.1. The Regulations have no measurable financial implications.

10. Section 24 of the Northern Ireland Act 1998

10.1. The Regulations are considered compliant with Section 24 of the Northern Ireland Act 1998.

11. EU Implications

11.1. Not applicable

12. Additional Information

12.1. Not applicable