

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 62.

#### APPLICATION OF THE NOISE ACT 1996 TO LICENSED PREMISES ETC.

1 The Noise Act 1996 (c. 37) is amended as follows.

.....  
**Commencement Information**

**I1** Sch. 1 para. 1 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

2 In the heading to section 2, omit the words “from a dwelling”.

.....  
**Commencement Information**

**I2** Sch. 1 para. 2 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

3.—(1) Section 2 (investigations of complaints of noise) is amended as follows.

(2) In subsection (2), after the words “emitted from” insert “ (a) ” and at the end insert “, or

(b) any of the following (referred to in this group of sections as “the offending premises”)—

- (i) any premises in relation to which an exhibition licence has effect;
- (ii) any place in relation to which an entertainment licence has effect;
- (iii) any licensed premises;
- (iv) a place at which the sale of intoxicating liquor is for the time being authorised by an occasional licence;
- (v) any premises where meals or refreshments are supplied whether for consumption on or off the premises;
- (vi) any premises occupied by a registered club.”.

(3) After subsection (2) insert—

“(2A) For the purposes of subsection (2)(b)—

“exhibition licence” means a licence granted under Article 3 of the Cinemas (Northern Ireland) Order 1991;

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“entertainment licence” means a licence granted under paragraph 3 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985;

“intoxicating liquor”, “licensed premises” and “occasional licence” have the same meanings as in the Licensing (Northern Ireland) Order 1996;

“registered club” has the same meaning as in Article 2(2) of the Registration of Clubs (Northern Ireland) Order 1996.”.

(4) In subsection (4)(a), after the words “the offending dwelling” insert “ or the offending premises ”.

(5) In subsection (7)—

(a) after the words “the offending dwelling is” insert “ , or the offending premises are, ”;

(b) after the words “if the offending dwelling” insert “ or the offending premises ”.

#### **Commencement Information**

**I3** Sch. 1 para. 3 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

4.—(1) Section 3 (warning notices) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a)(i), after the words “offending dwelling” insert “ or the offending premises ”;

(b) for paragraph (b) substitute—

“(b) give warning—

(i) in a case where the complaint is in respect of a dwelling, that any person who is responsible for noise which is emitted from the offending dwelling in the period specified in the notice and which exceeds the permitted level, as measured from within the complainant's dwelling, may be guilty of an offence;

(ii) in a case where the complaint is in respect of other premises, that the responsible person in relation to the offending premises may be guilty of an offence if noise which exceeds the permitted level, as measured from within the complainant's dwelling, is emitted from the premises in the period specified in the notice.”.

(3) In subsection (3), at the beginning insert “ In a case where the complaint is in respect of a dwelling, ”.

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(4) After subsection (3) insert—

“(3A) In a case where the complaint is in respect of other premises, a warning notice must be served by delivering it to the person who appears to the officer of the district council to be the responsible person in relation to the offending premises at the time the notice is delivered.”.

(5) After subsection (5) insert—

“(6) For the purposes of this group of sections, the responsible person in relation to offending premises at a particular time is—

(a) in the case of any premises mentioned in sub-paragraph (i), (ii), (iii) or (iv) of section 2(2)(b)—

(i) the holder of the licence if he is present at the premises at that time,

(ii) where that person is not present at the premises at that time, any other person who is present at the premises at that time and in charge of the premises;

(b) in the case of any premises mentioned in sub-paragraph (v) of section 2(2)(b), any person who is present at the premises at that time and in charge of the premises;

(c) in the case of any premises mentioned in sub-paragraph (vi) of section 2(2)(b)—

(i) any official of the club who is present at the premises at that time;

(ii) where no such official is present at the premises at that time, any other person who is present at the premises at that time and in charge of the premises;

and for the purposes of this paragraph “official” has the same meaning as in Article 2(2) of the Registration of Clubs (Northern Ireland) Order 1996.”.

**Commencement Information**

**I4** Sch. 1 para. 4 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

**5** In the heading to section 4, after the words “where noise” insert “ from a dwelling ”.

**Commencement Information**

**I5** Sch. 1 para. 5 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

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6 After section 4 (offence where noise exceeds permitted level after notice) insert—

**“4A Offence where noise from other premises exceeds permitted level after service of notice**

(1) If—

- (a) a warning notice has been served under section 3 in respect of noise emitted from premises,
- (b) noise is emitted from the premises in the period specified in the notice, and
- (c) the noise exceeds the permitted level, as measured from within the complainant's dwelling,

the responsible person in relation to the offending premises at the time at which the noise referred to in paragraph (c) is emitted is guilty of an offence.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

**Commencement Information**

**16** Sch. 1 para. 6 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

7 In section 5 (permitted level of noise), in subsection (1) after the words “from any dwelling” insert “ or other premises ”.

**Commencement Information**

**17** Sch. 1 para. 7 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

8 In section 6 (approval of measuring devices), in subsection (3) after the words “section 4” insert “ or 4A ”.

**Commencement Information**

**18** Sch. 1 para. 8 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

9.—(1) Section 7 (evidence) is amended as follows.

(2) In subsection (1), after the words “section 4” insert “ or 4A ”.

(3) After subsection (3) insert—

“(3A) In proceedings for an offence under section 4A, evidence that noise, or noise of any kind, measured by a device at any time was noise

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emitted from any other premises may be given by the production of a document—

- (a) signed by an officer of the district council, and
- (b) stating that he had identified those premises as the source at that time of the noise or, as the case may be, noise of that kind.”.

(4) In subsection (4), for the words “or (3)(a)” substitute “, (3)(a) or (3A)(a) ”.

**Commencement Information**

**I9** Sch. 1 para. 9 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

**10.**—(1) Section 8 (fixed penalty notices) is amended as follows.

(2) In subsection (1), after the words “section 4” insert “ or 4A ”.

(3) In subsection (2)(b), after the words “the offending dwelling” insert “ or the offending premises (as the case may be) ”.

**Commencement Information**

**I10** Sch. 1 para. 10 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

**11.**—(1) Section 9 (section 8: supplementary) is amended as follows.

(2) After subsection (2) insert—

“(2A) If a fixed penalty notice is given to a person in respect of noise emitted from other premises in any period in a warning notice—

- (a) no further fixed penalty notice may be given to that person in respect of noise emitted from the premises during that period, but
- (b) that person may be convicted of a further offence under section 4A in respect of noise emitted from the premises after the fixed penalty notice is given and before the end of that period.”.

(3) In subsection (5), after the words “section 4” insert “ or 4A ”.

**Commencement Information**

**I11** Sch. 1 para. 11 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

**12.**—(1) Section 10 (powers of entry and seizure etc.) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a), after the words “a dwelling” insert “ or other premises ”;
- (b) in paragraph (b), after the words “the dwelling” insert “ or other premises ”.

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- (3) In subsection (2), after the words “the dwelling” insert “ or other premises ”.
- (4) In subsection (4)—
- (a) in paragraph (a), after the words “a dwelling” insert “ or other premises ”;
  - (b) in paragraph (b), after the words “the dwelling” insert “ or other premises ”;
  - (c) in paragraph (c), after the words “the dwelling” insert “ or other premises ”;
  - (d) after the words “to enter the” insert “ dwelling or other ”.
- (5) In subsection (5)—
- (a) after the words “enters any” insert “ dwelling or other ”;
  - (b) for the words from “the premises are unoccupied” to the end substitute “ the dwelling is, or the other premises are, unoccupied, must leave it or them as effectively secured against trespassers as he found it or them. ”.

**Commencement Information**

**I12** Sch. 1 para. 12 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

- 13** In the Schedule (powers in relation to seized equipment), in paragraph 1(a)(i), after the words “section 4” insert “ or 4A ”.

**Commencement Information**

**I13** Sch. 1 para. 13 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

SCHEDULE 2

Section 67(9).

STATUTORY NUISANCES: SUPPLEMENTARY PROVISIONS

*Appeals to a court of summary jurisdiction*

**1.—(1)** This paragraph applies in relation to appeals under section 65(8) against an abatement notice to a court of summary jurisdiction.

(2) Part 7 of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26) shall apply to such appeals.

(3) An appeal against any decision of a court of summary jurisdiction in pursuance of an appeal to which this paragraph applies shall lie to the county court at the instance of any party to the proceedings in which the decision was given.

(4) The Department may make regulations as to appeals to which this paragraph applies and without prejudice to the generality of this sub-paragraph the regulations may in particular—

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- (a) prescribe the cases in which an abatement notice is, or is not, to be suspended until the appeal is decided, or until some other stage in the proceedings;
- (b) prescribe the cases in which the decision on appeal may in some respects be less favourable to the appellant than the decision from which the appeal is brought;
- (c) prescribe the cases in which the appellant may claim that an abatement notice should have been served on some other person and prescribe the procedure to be followed in those cases.

#### **Commencement Information**

- I14** Sch. 2 para. 1 in operation at 18.1.2012 for specified purposes by S.R. 2012/13, art. 2(1), Sch. 1
- I15** Sch. 2 para. 1 in operation at 1.4.2012 in so far as not already in operation by S.R. 2012/13, art. 2(2), Sch. 2

#### *Powers of entry etc.*

2.—(1) Subject to sub-paragraph (2), any person authorised by a district council may, on production (if so required) of that person's authority, enter any premises at any reasonable time—

- (a) for the purpose of ascertaining whether or not a statutory nuisance exists; or
- (b) for the purpose of taking any action, or executing any work, authorised or required by Part 7.

(2) Admission by virtue of sub-paragraph (1) to any premises used wholly or mainly for residential purposes shall not except in an emergency be demanded as of right unless 24 hours notice of the intended entry has been given to the occupier.

- (3) If it is shown to the satisfaction of a lay magistrate on complaint in writing—
  - (a) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or the occupier is temporarily absent, or that the case is one of emergency, or that an application for admission would defeat the object of the entry; and
  - (b) that there is reasonable ground for entry into the premises for the purpose for which entry is required,

the lay magistrate may by warrant authorise the district council by any authorised person to enter the premises, if need be by force.

(4) An authorised person entering any premises by virtue of sub-paragraph (1) or a warrant under sub-paragraph (3) may—

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- (a) take to the premises such other persons and such equipment as may be necessary;
  - (b) carry out such inspections, measurements and tests as the authorised person considers necessary for the discharge of any of the district council's functions under Part 7; and
  - (c) take away such samples or articles as that person considers necessary for that purpose.
- (5) On leaving any unoccupied premises entered by virtue of sub-paragraph (1) or a warrant under sub-paragraph (3) the authorised person shall leave them as effectually secured against trespassers as they were found.
- (6) A warrant issued in pursuance of sub-paragraph (3) shall continue in force until the purpose for which the entry is required has been satisfied.
- (7) Any reference in this paragraph to an emergency is a reference to a case where the person requiring entry has reasonable cause to believe that circumstances exist which are likely to endanger life or health and that immediate entry is necessary to verify the existence of those circumstances or to ascertain their cause and to effect a remedy.

**Modifications etc. (not altering text)**

- C1** Sch. 2 paras. 2-4 applied by SI 1981/158 (N.I. 4) art. 40(2) (as amended) (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, Sch. 3 para. 10(2); S.R. 2012/13, art. 2(2), Sch. 2

**Commencement Information**

- I16** Sch. 2 para. 2 in operation at 18.1.2012 for specified purposes by S.R. 2012/13, art. 2(1), Sch. 1
- I17** Sch. 2 para. 2 in operation at 1.4.2012 in so far as not already in operation by S.R. 2012/13, art. 2(2), Sch. 2

- 3.—(1)** Any person authorised by a district council may on production (if so required) of that person's authority—
- (a) enter or open a vehicle, machinery or equipment, if necessary by force, or
  - (b) remove a vehicle, machinery or equipment from a street to a secure place,
- for the purpose of taking any action, or executing any work, authorised by or required under Part 7 in relation to a statutory nuisance within section 63(1)(j) caused by noise emitted from or caused by the vehicle, machinery or equipment.
- (2) On leaving any unattended vehicle, machinery or equipment entered or opened under sub-paragraph (1), the authorised person shall (subject to sub-paragraph (3)) leave it secured against interference or theft in such manner and as effectually as it was found.



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(3) If the authorised person is unable to comply with sub-paragraph (2), that person shall for the purpose of securing the unattended vehicle, machinery or equipment either—

- (a) immobilise it by such means as are considered expedient, or
- (b) remove it from the street to a secure place.

(4) In carrying out any function under sub-paragraph (1), (2) or (3), the authorised person shall not cause more damage than is necessary.

(5) Before a vehicle, machinery or equipment is entered, opened or removed under sub-paragraph (1), the district council shall notify the police of the intention to take action under that sub-paragraph.

(6) After a vehicle, machinery or equipment has been removed under sub-paragraph (1) or (3), the district council shall notify the police of its removal and current location.

(7) Notification under sub-paragraph (5) or (6) may be given to the police at any police station in the district of the district council.

(8) For the purposes of section 67(6), any expenses reasonably incurred by a district council under sub-paragraph (2) or (3) shall be treated as incurred by the council under section 67(5) in abating or preventing the recurrence of the statutory nuisance in question.

#### **Modifications etc. (not altering text)**

- C1** Sch. 2 paras. 2-4 applied by SI 1981/158 (N.I. 4) art. 40(2) (as amended) (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, Sch. 3 para. 10(2); S.R. 2012/13, art. 2(2), Sch. 2

#### **Commencement Information**

- I18** Sch. 2 para. 3 in operation at 18.1.2012 for specified purposes by S.R. 2012/13, art. 2(1), Sch. 1
- I19** Sch. 2 para. 3 in operation at 1.4.2012 in so far as not already in operation by S.R. 2012/13, art. 2(2), Sch. 2

### *Offences relating to entry*

4.—(1) A person who wilfully obstructs any person acting in the exercise of any powers conferred by paragraph 2 or 3 shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(2) A person who discloses any information relating to any trade secret obtained in the exercise of any powers conferred by paragraph 2 shall, unless the disclosure was made in the performance of that person's duty or with the consent of the person having the right to disclose the information, be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

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#### **Modifications etc. (not altering text)**

- C1** Sch. 2 paras. 2-4 applied by SI 1981/158 (N.I. 4) art. 40(2) (as amended) (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, **Sch. 3 para. 10(2)**; S.R. 2012/13, art. 2(2), Sch. 2

#### **Commencement Information**

- I20** Sch. 2 para. 4 in operation at 18.1.2012 for specified purposes by S.R. 2012/13, art. 2(1), **Sch. 1**
- I21** Sch. 2 para. 4 in operation at 1.4.2012 in so far as not already in operation by S.R. 2012/13, art. 2(2), **Sch. 2**

### *Default powers*

5.—(1) This paragraph applies to the following functions of a district council—

- (a) its duty under section 64 to cause its district to be inspected to detect any statutory nuisance which ought to be dealt with under section 65 or sections 65 and 66; and
- (b) its powers under paragraph 2 or 3.

(2) If the Department is satisfied that any district council has failed, in any respect, to discharge a function to which this paragraph applies which it ought to have discharged, it may make an order declaring the council to be in default.

(3) An order made under sub-paragraph (2) which declares a council to be in default may, for the purpose of remedying the default, direct the council (“the defaulting council”) to perform the function specified in the order and may specify the manner in which and the time or times within which the function is to be performed by the council.

(4) If the defaulting council fails to comply with any direction contained in such an order the Department may, instead of enforcing the order by mandamus, make an order transferring to itself the function of the council specified in the order.

(5) Where the function of a defaulting council is transferred under sub-paragraph (4), the amount of any expenses which the Department certifies were incurred by it in performing the function shall on demand be paid to it by the defaulting council.

(6) Any expenses required to be paid by a defaulting council under sub-paragraph (5) shall be defrayed by the council in the same manner, and shall be debited to the same account, as if the function had not been transferred and the expenses had been incurred by the council in performing them.

(7) The Statutory Rules (Northern Ireland) Order 1979 (NI 12) shall not apply to any order under this paragraph.

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**Commencement Information**

- I22** Sch. 2 para. 5 in operation at 18.1.2012 for specified purposes by S.R. 2012/13, art. 2(1), Sch. 1  
**I23** Sch. 2 para. 5 in operation at 1.4.2012 in so far as not already in operation by S.R. 2012/13, art. 2(2), Sch. 2

*Protection from personal liability*

**6** Nothing done by, or by a member of, a district council or by an officer of or other person authorised by a district council shall, if done in good faith for the purpose of executing Part 7, subject that person personally to any action, liability, claim or demand whatsoever (other than any liability under Articles 19 or 20 of the Local Government (Northern Ireland) Order 2005 (NI 18) (powers of local government auditors)).

**Commencement Information**

- I24** Sch. 2 para. 6 in operation at 18.1.2012 for specified purposes by S.R. 2012/13, art. 2(1), Sch. 1  
**I25** Sch. 2 para. 6 in operation at 1.4.2012 in so far as not already in operation by S.R. 2012/13, art. 2(2), Sch. 2

*Statement of right of appeal in notices*

**7** Where an appeal against a notice served by a district council lies to a court of summary jurisdiction by virtue of section 65, it shall be the duty of the council to include in that notice a statement indicating that such an appeal lies to a court of summary jurisdiction and specifying the time within which it must be brought.

**Commencement Information**

- I26** Sch. 2 para. 7 in operation at 18.1.2012 for specified purposes by S.R. 2012/13, art. 2(1), Sch. 1  
**I27** Sch. 2 para. 7 in operation at 1.4.2012 in so far as not already in operation by S.R. 2012/13, art. 2(2), Sch. 2

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## SCHEDULE 3

Section 77.

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 1

##### VEHICLES

*The Pollution Control and Local Government  
(Northern Ireland) Order 1978 (NI 19)*

**1** In Article 86—

- (a) in paragraph (1) at the beginning insert “ Subject to paragraph (1A), ”;
- (b) after paragraph (1) insert—

“(1A) An order under Article 29A(9) shall not be made unless a draft of the order has been laid before and approved by a resolution of the Assembly.”.

**Commencement Information**

**I28** Sch. 3 para. 1 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

*The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)*

**2** In Article 54(4)(c) after the words “the Pollution Control (Northern Ireland) Order 1978” insert “ or who has paid a fixed penalty notice under Article 29A(1) of that Order ”.

**Commencement Information**

**I29** Sch. 3 para. 2 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

#### PART 2

##### LITTER

*The Litter (Northern Ireland) Order 1994 (NI 10)*

**3.—(1)** In Article 7(1) at the end of sub-paragraph (d) insert “ and ”.

(2) In Article 7(5) for “paragraph (1)(b) to (f)” substitute “ paragraph (1)(b) to (e) ”.

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- (3) In Article 11(1) at the end of sub-paragraph (d) insert “ or ”.
- (4) In Article 12(1) at the end of sub-paragraph (b) insert “ or ”.
- (5) In Article 15(1) after sub-paragraph (b) insert “and  
(c) all orders made by the district council under paragraph 2(1) of Schedule 1A.”.
- (6) In Article 17(1)(b) after the words “Article 12(10)” insert “ or Article 12C(3) ”.
- (7) In Article 25—
- (a) in paragraph (1) at the beginning insert “ Subject to paragraph (1A), ”;
- (b) after paragraph (1) insert—
- “(1A) An order under Article 18A(3) shall not be made unless a draft of the order has been laid before and approved by a resolution of the Assembly.”.

**Commencement Information**

**I30** Sch. 3 para. 3 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

## PART 3

### STATUTORY NUISANCE

*The Housing of the Working Classes Act 1885 (c. 72)*

**4** In section 9(1) for the words from “a nuisance within the meaning of section one hundred and seven” to the end substitute “ a statutory nuisance for the purposes of Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”.

**Commencement Information**

**I31** Sch. 3 para. 4 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

*The Public Health Acts Amendment Act 1907 (c. 53)*

**5** In section 35—

(a) for the words “the Public Health (Ireland) Act, 1878” substitute “ Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”;

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- (b) for the words “nuisance within the meaning of the said Act” substitute “statutory nuisance”.

**Commencement Information**

**I32** Sch. 3 para. 5 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

*The Office and Shop Premises Act (Northern Ireland) 1966 (c. 26)*

**6** In section 72—

- (a) for paragraph (a) substitute—
- “(a) Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (statutory nuisances);”;
- (b) in paragraph (b) for the words “the said Act of 1878” substitute “the Public Health (Ireland) Act 1878”.

**Commencement Information**

**I33** Sch. 3 para. 6 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

*The Hovercraft Act 1968 (c. 59)*

**7** In section 1(1)(g) for the words “or of Part III of the Pollution Control and Local Government (Northern Ireland) Order 1978” substitute “or of Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011”.

**Commencement Information**

**I34** Sch. 3 para. 7 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

*The Mines Act (Northern Ireland) 1969 (c. 6)*

**8** In section 129—

- (a) in subsection (2)—
- (i) for the words “section 107 of the Public Health (Ireland) Act 1878” substitute “Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011”;
- (ii) for the word “nuisance” substitute “statutory nuisance”;
- (iii) for the words “that Act” substitute “that Part”;

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- (b) in subsection (3) for the words “sections 107 to 127 of the Public Health (Ireland) Act 1878” substitute “ Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”.

**Commencement Information**

**I35** Sch. 3 para. 8 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

*The Pollution Control and Local Government  
(Northern Ireland) Order 1978 (NI 19)*

9.—(1) In Article 41(9) for the words “Article 39” substitute “ section 70 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”.

(2) In Article 45(8) for the words “Article 39” substitute “ section 70 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”.

(3) For Article 54(2) substitute—

“(2) In determining whether an offence is a further offence against this Part, account shall be taken of any offence under section 65(9) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 where the offence consists of contravening an abatement notice relating to noise and of any offence under section 70(10) of that Act where the prohibition relates to noise as if it were an offence against this Part.”.

(4) In Article 65—

(a) in paragraph (1)—

(i) for the words “sections 110 to 116 of the Public Health (Ireland) Act 1878” substitute “ Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”;

(ii) for the words “the said section 110” substitute “ section 65 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”;

(b) in paragraph (4) for the words “sections 110 to 116 of the Public Health (Ireland) Act 1878” substitute “ Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”.

(5) In Article 69(1) after the words “the Public Health Acts 1878 to 1967” insert “ or Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”.

**Commencement Information**

**I36** Sch. 3 para. 9 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011. (See end of Document for details)*

*The Clean Air (Northern Ireland) Order 1981 (NI 4)*

**10.**—(1) In Article 25(5)—

(a) for the words “7 or 23” in both places where they appear substitute “ or 7 ”;

(b) for sub-paragraph (b) substitute—

“(b) Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011.”.

(2) In Article 40(2) for the words from the beginning to “have effect” substitute “ Paragraphs 2 to 4 of Schedule 2 to the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (power to enter premises) shall apply for the purposes of any functions conferred by this Order on district councils ”.

**Commencement Information**

**I37** Sch. 3 para. 10 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

*The Quarries (Northern Ireland) Order 1983 (NI 4)*

**11** In Article 10—

(a) in paragraph (1)—

(i) for the words “section 107 of the Public Health (Ireland) Act 1878” substitute “ Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”;

(ii) for the word “nuisance” substitute “ statutory nuisance ”;

(iii) for the words “that Act” substitute “ that Part ”;

(b) in paragraph (2)—

(i) for the words “sections 107 to 127 of the Public Health (Ireland) Act 1878” substitute “ Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”;

(ii) for the word “nuisance” wherever it occurs substitute “ statutory nuisance ”.

**Commencement Information**

**I38** Sch. 3 para. 11 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

*The Housing (Northern Ireland) Order 1992 (NI 15)*

**12.**—(1) In Article 74(1) for sub-paragraph (b) substitute—



*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011. (See end of Document for details)*

“(b) in a notice served in respect of a dwelling-house under Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011.”.

(2) In Schedule 3 in paragraph 2(4) for the words “section 110 of the Public Health (Ireland) Act 1878” substitute “ section 65 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”.

**Commencement Information**

**I39** Sch. 3 para. 12 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

*The Radioactive Substances Act 1993 (c. 12)*

**13** In Schedule 3—

(a) in Part III for paragraph 18 substitute—

“**18** Sections 50, 51 and 58 of the Public Health (Ireland) Act 1878.”;  
and

(b) at the end add—

“**26** Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011.”.

**Commencement Information**

**I40** Sch. 3 para. 13 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

*The Noise Act 1996 (c. 37)*

**14.**—(1) In section 10(7)—

(a) for the words “section 81(3) of the Environmental Protection Act 1990” substitute “ section 67(5) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”;

(b) for the words “section 79(1)(g)” substitute “ section 63(1)(i) ”.

(2) In section 14(4)(h) omit sub-paragraphs (i), (ii), (iv) and (v).

(3) In the Schedule—

(a) in paragraph 1(a)(ii)—

(i) for the words “section 81(3) of the Environmental Protection Act 1990” substitute “ section 67(5) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”;

(ii) for the words “section 80(4)” substitute “ section 65(9) ”;

(iii) for the words “section 79(1)(g)” substitute “ section 63(1)(i) ”;

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*Changes to legislation: There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011. (See end of Document for details)*

(b) in paragraph 1(b) for the words “section 81(3) of the Environmental Protection Act 1990” substitute “ section 67(5) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”.

**Commencement Information**

**I41** [Sch. 3 para. 14](#) in operation at 1.4.2012 by [S.R. 2012/13](#), art. 2(2), [Sch. 2](#)

*The Housing (Northern Ireland) Order 2003 (NI 2)*

**15** In Article 142(3)(b) for the words “section 110 of the Public Health (Ireland) Act 1878 (c. 52),” substitute “ section 65 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”.

**Commencement Information**

**I42** [Sch. 3 para. 15](#) in operation at 1.4.2012 by [S.R. 2012/13](#), art. 2(2), [Sch. 2](#)

*The Private Tenancies (Northern Ireland) Order 2006 (NI 10)*

**16** In Article 36(8) for the words “section 110 of the Public Health (Ireland) Act 1878 (c. 52)” substitute “ Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”.

**Commencement Information**

**I43** [Sch. 3 para. 16](#) in operation at 1.4.2012 by [S.R. 2012/13](#), art. 2(2), [Sch. 2](#)

SCHEDULE 4

Section 77.

REPEALS

**PART 1**

VEHICLES

**Commencement Information**

**I44** [Sch. 4 Pt. 1](#) in operation at 1.4.2012 by [S.R. 2012/13](#), art. 2(2), [Sch. 2](#)

**Short Title**

**Extent of repeal**

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011. (See end of Document for details)*

The Pollution Control and Local Government (Northern Ireland) Order 1978 (NI 19)	<p>In Article 30—</p> <p>(a) paragraph (3);</p> <p>(b) in paragraph (4), the words from “other than” to “paragraph (3)”.</p> <p>In Article 31—</p> <p>(a) in paragraph (1), the words from “but, in a case” to the end;</p> <p>(b) paragraph (2).</p>
The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)	<p>In Article 48, paragraph (4).</p> <p>In Article 49, paragraph (4).</p> <p>In Article 51—</p> <p>(a) in paragraph (2)—</p> <p style="padding-left: 20px;">(i) the words from “and on which” to “at the time of its removal”; and</p> <p style="padding-left: 20px;">(ii) the words from “but, in a case” to the end;</p> <p>(b) paragraph (3).</p> <p>In Article 52—</p> <p>(a) in paragraph (2)—</p> <p style="padding-left: 20px;">(i) the words from “and on which” to “at the time of its removal”;</p> <p style="padding-left: 20px;">(ii) the words from “but, in a case” to the end;</p> <p>(b) paragraph (3).</p> <p>In Article 53, the words from “with the substitution of” to the end.</p>

## PART 2

### LITTER

#### Commencement Information

**I45** Sch. 4 Pt. 2 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

Short Title	Extent of repeal
The Litter (Northern Ireland) Order 1994 (NI 10)	<p>In Article 2(2)—</p> <p>(a) the definition of “relevant land within a litter control area of a district council”; and</p>

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011. (See end of Document for details)*

(b) the definition of “authorised officer”.

Article 6A.

In Article 7(1), sub-paragraph (f) and the word “and” immediately preceding it.

Article 10.

Article 11(1)(f) and the word “or” immediately preceding it.

In Article 12—

(a) paragraph (1)(d) and the word “or” immediately preceding it;

(b) paragraph (3)(d).

In Article 14(3), the words from “but a specified area” to the end.

Article 15(1)(a).

The Local Government (Northern Ireland) Order 2005 (NI 18)

Article 30.

## PART 3

### DOGS

#### Commencement Information

**I46** Sch. 4 Pt. 3 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2 (with art. 3)

Short Title	Extent of repeal
The Litter (Northern Ireland) Order 1994 (NI 10)	Article 4. In Article 5— (a) in paragraph (1), the words “or 4”; (b) in paragraph (4), the words “or 4”. In Article 6(1), the words “or, as the case may be, Article 4”.
The Police (Northern Ireland) Act 2003 (c. 6)	In Schedule 2A, in paragraph 2(4)(d), the words “or 4”.

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011. (See end of Document for details)*

## PART 4

### NOISE

#### Commencement Information

**I47** Sch. 4 Pt. 4 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

#### Short Title

The Noise Act 1996 (c. 37)

#### Extent of repeal

In the heading to section 2, the words “from a dwelling”.

In section 2(7) the words from “and accordingly” to the end.

Section 8(8).

Section 9(3).

## PART 5

### STATUTORY NUISANCES

#### Commencement Information

**I48** Sch. 4 Pt. 5 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

#### Short Title

The Public Health (Ireland) Act 1878 (c. 52)

#### Extent of repeal

Sections 107 to 129.

Section 253.

In Schedule C, forms A, B, C and D.

The Pollution Control and Local Government (Northern Ireland) Order 1978 (NI 19)

Article 37(a).

Articles 38 and 39.

In Article 49—

(a) paragraph (1)(a);

(b) in paragraph (1)(c) the words “39(2) or”;

(c) in paragraph (3) the words “39(6) or”.

Article 49(5)(i).

Article 70.

In Schedule 4, paragraphs 1 and 2.

The Clean Air (Northern Ireland) Order 1981 (NI 4)

Article 23.

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*Status: Point in time view as at 01/04/2012.*

**Changes to legislation:** *There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011. (See end of Document for details)*

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	In Article 25(8), sub-paragraph (c) and the word “and” immediately preceding it.
	In Article 28(1)(a), the word “23”.
	In Article 37(1), sub-paragraph (b) and the word “or” immediately preceding it.
	In Article 38(7), sub-paragraph (a).
	Article 40(3).
The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (NI 15)	Article 38.
The Noise Act 1996 (c. 37)	In section 14(4)(h) sub-paragraphs (i), (ii), (iv) and (v).
The Industrial Pollution Control (Northern Ireland) Order 1997 (NI 18)	In Schedule 4, paragraph 1.
The Environment (Northern Ireland) Order 2002 (NI 7)	In Schedule 5, paragraph 1.

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**Status:**

Point in time view as at 01/04/2012.

**Changes to legislation:**

There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011.