



# **Clean Neighbourhoods and Environment Act (Northern Ireland) 2011**

## CHAPTER 23

### CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NORTHERN IRELAND) 2011

#### PART 1

#### GATING ORDERS

1. Gating orders

#### PART 2

#### VEHICLES

##### *Nuisance parking offences*

2. Exposing vehicles for sale on a road
3. Repairing vehicles on a road

##### *Nuisance parking offences: fixed penalty notices*

4. Power to give fixed penalty notices
5. Power to require name and address
6. Use of fixed penalty receipts

**Status:** Point in time view as at 01/04/2012.

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*Abandoned vehicles*

7. Offence of abandoning a vehicle: fixed penalty notices
8. Notice of removal of vehicle by district council
9. Disposal of removed vehicle by district council
10. Guidance

*Illegally parked vehicles*

11. Notice of removal of vehicle
12. Disposal of vehicle by police officer
13. Disposal of vehicle by Department

PART 3

LITTER

*Offence of dropping litter*

14. Offence of dropping litter in lake, pond or watercourse
15. Penalty for failing to provide name
16. Litter offence: fixed penalty notice

*District council notices*

17. Litter clearing notices
18. Street litter control notices
19. Street litter: supplementary provisions
20. Failure to comply with notice: fixed penalty notices

*Free distribution of printed matter*

21. Controls on free distribution of printed matter

*Fixed penalty notices: supplementary*

22. Fixed penalty notices: supplementary

*Exclusion of liability for district councils*

23. Exclusion of liability

*Shopping and luggage trolleys*

24. Abandoned shopping and luggage trolleys
25. Section 24: transitional provision

PART 4

GRAFFITI AND OTHER DEFACEMENT

*Penalty notices for graffiti and fly-posting*

26. Penalty notices for graffiti and fly-posting
27. Amount of penalty
28. Penalty notices: power to require name and address
29. Penalty receipts
30. Guidance

*Removal of graffiti and fly-posters*

31. Defacement removal notices
32. Recovery of expenditure
33. Guidance
34. Appeals
35. Exemption from liability in relation to defacement removal notices
36. Removal or obliteration of graffiti, placards and posters

*Aerosol paints*

37. Sale of aerosol paint to children

*Advertisements*

38. Unlawful display of advertisements

*Supplementary*

39. Power of district councils to obtain information

PART 5

DOGS

*Dog control orders*

40. Power to make dog control orders
41. Dog control orders: supplementary
42. Land to which this Part applies

*Fixed penalty notices*

43. Fixed penalty notices for contravention of dog control order
44. Amount of fixed penalties
45. Power to require name and address

*Supplementary*

46. Byelaws
47. Power of district councils to obtain information

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## PART 6

### NOISE

#### CHAPTER 1

##### AUDIBLE INTRUDER ALARMS

###### *Alarm notification areas*

48. Designation of alarm notification areas
49. Withdrawal of designation
50. Notification of nominated key-holders
51. Nomination of key-holders
52. Offences under section 50: fixed penalty notices
53. Amount of fixed penalty
54. Use of fixed penalty receipts
55. Fixed penalty notices: power to require name and address

###### *Powers in relation to alarms*

56. Power of entry
57. Warrant to enter premises by force
58. Powers of entry: supplementary

###### *Interpretation of Chapter*

59. Interpretation of this Chapter

#### CHAPTER 2

##### AMENDMENTS TO THE NOISE ACT 1996

60. Dealing with noise at night
61. Noise offences: fixed penalty notices
62. Extension of Noise Act 1996 to licensed premises etc.

## PART 7

### STATUTORY NUISANCES

63. Statutory nuisances
64. Duty of district council to inspect for statutory nuisance
65. Summary proceedings for statutory nuisances
66. Abatement notice in respect of noise in the street
67. Supplementary provisions
68. Expenses recoverable from owner to be a charge on premises
69. Payment of expenses by instalments

70. Summary proceedings by persons aggrieved by statutory nuisances
71. Application of this Part to Crown

## PART 8

### MISCELLANEOUS AND SUPPLEMENTARY

#### *Use of fixed penalty receipts*

72. Use of penalty receipts

#### *Increase of penalty for pollution offences*

73. Offences relating to pollution etc.: penalties on conviction

#### *Offences by bodies corporate*

74. Offences by bodies corporate

#### *Supplementary*

75. Regulations and orders
76. Interpretation
77. Minor and consequential amendments and repeals
78. Commencement
79. Short title

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## SCHEDULES

### SCHEDULE 1 — APPLICATION OF THE NOISE ACT 1996 TO LICENSED PREMISES ETC.

1. The Noise Act 1996 (c. 37) is amended as follows....
2. In the heading to section 2, omit the words “from...
3. (1) Section 2 (investigations of complaints of noise) is amended...
4. (1) Section 3 (warning notices) is amended as follows.
5. In the heading to section 4, after the words “where...
6. After section 4 (offence where noise exceeds permitted level after...
7. In section 5 (permitted level of noise), in subsection (1)...
8. In section 6 (approval of measuring devices), in subsection (3)...
9. (1) Section 7 (evidence) is amended as follows.
10. (1) Section 8 (fixed penalty notices) is amended as follows....
11. (1) Section 9 (section 8: supplementary) is amended as follows....

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12. (1) Section 10 (powers of entry and seizure etc.) is...
13. In the Schedule (powers in relation to seized equipment), in...

## SCHEDULE 2 — STATUTORY NUISANCES: SUPPLEMENTARY PROVISIONS

### *Appeals to a court of summary jurisdiction*

1. (1) This paragraph applies in relation to appeals under section...

### *Powers of entry etc.*

2. (1) Subject to sub-paragraph (2), any person authorised by a...
3. (1) Any person authorised by a district council may on...

### *Offences relating to entry*

4. (1) A person who wilfully obstructs any person acting in...

### *Default powers*

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

### *Protection from personal liability*

6. Nothing done by, or by a member of, a district...

### *Statement of right of appeal in notices*

7. Where an appeal against a notice served by a district...

## SCHEDULE 3 — 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...

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

2. In Article 54(4)(c) after the words “the Pollution Control (Northern...

## PART 2 — LITTER

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

3. (1) In Article 7(1) at the end of sub-paragraph (d)...

## PART 3 — STATUTORY NUISANCE

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

4. In section 9(1) for the words from “a nuisance within...

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

5. In section 35— (a) for the words “the Public Health...

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

6. In section 72— (a) for paragraph (a) substitute—

*The Hovercraft Act 1968 (c. 59)*

7. In section 1(1)(g) for the words “or of Part III...

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

8. In section 129— (a) in subsection (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...

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

10. (1) In Article 25(5)— (a) for the words “7 or...

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

11. In Article 10— (a) in paragraph (1)—

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

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

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

13. In Schedule 3— (a) in Part III for paragraph 18...

*The Noise Act 1996 (c. 37)*

14. (1) In section 10(7)— (a) for the words “section 81(3)...

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

15. In Article 142(3)(b) for the words “section 110 of the...

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

16. In Article 36(8) for the words “section 110 of the...

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SCHEDULE 4 — REPEALS

PART 1 — VEHICLES

PART 2 — LITTER

PART 3 — DOGS

PART 4 — NOISE

PART 5 — STATUTORY NUISANCES



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