



2011 CHAPTER 23

PART 3

LITTER

*Shopping and luggage trolleys*

**Abandoned shopping and luggage trolleys**

**24.—**(1) Schedule 1 to the [Litter \(Northern Ireland\) Order 1994 \(NI 10\)](#) (abandoned shopping and luggage trolleys) is amended as follows.

(2) In paragraph 3(2), for the words “seized or removed” substitute “seized and removed”.

(3) After paragraph 3 insert—

“**3A.—**(1) This paragraph applies where the district council is entitled to sell or otherwise dispose of a shopping or luggage trolley in accordance with paragraph 3(1)(b).

(2) If it appears to the council that a particular person is the owner of the trolley, the council may charge him a sum in respect of the removal, storage and disposal of the trolley.

(3) The charge is payable to the council on demand.

(4) The sum payable as a charge under this paragraph is recoverable by the council as a debt due to it.

(5) In proceedings against a person under sub-paragraph (4) for enforcement of a charge, it is a defence for the person to prove that he was not the owner of the trolley to which the charge relates at the time it was removed.”.

- (4) In paragraph 4—
- (a) in sub-paragraph (1)—
- (i) for the words from “in fixing” to “sufficient” substitute “in fixing the charges to be paid under this Schedule, shall secure that the charges so payable are such as are sufficient”, and
- (ii) for the words “such trolleys” substitute “shopping or luggage trolleys”, and
- (b) in sub-paragraph (2), after the words “paragraph 3” insert “or 3A”.
- (5) In paragraph 5, after the words “In this Schedule—” insert—
- ““authorised officer”, in relation to a district council, means an officer of a district council authorised in writing by the council for the purposes of exercising functions under this Schedule;”.

#### **Section 24: transitional provision**

**25.—**(1) This section applies if, before the commencement date, a district council has resolved under Article 19 of the [Litter \(Northern Ireland\) Order 1994 \(NI 10\)](#) that Schedule 1 to that Order is to apply in its district.

(2) If the day specified in the resolution for the coming into operation of Schedule 1 in the council’s district falls on or after the commencement date, the resolution is to be of no effect.

(3) If Schedule 1 applies in the council’s district immediately before the commencement date, the Schedule is to continue to apply in the council’s district on and after the commencement date as it applied before that date.

(4) But Schedule 1 shall not so apply in relation to any shopping or luggage trolley seized by the council on or after the relevant day.

(5) For the purposes of subsection (4) the relevant day is the earlier of—

- (a) the third anniversary of the commencement date;
- (b) if the council resolves under Article 19 of the [Litter \(Northern Ireland\) Order 1994](#) that Schedule 1 (as amended by section 24) is to apply in its district, the day specified in the resolution as the day on which the Schedule (as so amended) comes into force in its district.

(6) So long as Schedule 1 continues to apply as described in subsection (3), the reference to Schedule 1 in Article 19(4) of the [Litter \(Northern Ireland\) Order 1994](#) is to be treated as including a reference to Schedule 1 as it so applies.

(7) If the council resolves under Article 19 that Schedule 1 (as amended by section 24) is to apply in its district, the council may not in giving effect to paragraph 4(1) of Schedule 1 (as so amended) take into account charges payable in relation to shopping or luggage trolleys seized before the Schedule (as so amended) comes into operation in its district.

(8) Nothing in this section prevents the council from bringing to an end the application of Schedule 1 in its district.

(9) In this section—

“the commencement date” is the day on which section 24 comes into operation;

“luggage trolley” and “shopping trolley” have the same meaning as in Schedule 1 to the Litter (Northern Ireland) Order 1994.