

STATUTORY INSTRUMENTS

1981 No. 158

Clean Air (Northern Ireland) Order 1981

Administration and enforcement

Application of Public Health Acts (Northern Ireland) 1878 to 1962

40.—(1) For the purposes of any functions conferred on district councils by this Order, the provisions of the Public Health Acts (Northern Ireland) 1878 to 1962, other than—

- (a) section 288 of the Public Health (Ireland) Act 1878 (saving for mines, etc.); and
- (b) section 32 of the Public Health (Ireland) Act 1896 (saving in respect of buildings, etc., vested in the Crown);

shall so far as applicable have effect in relation to a district council as if the provisions of this Order (other than the provisions amending the Alkali, &c. Works Regulation Act 1906) were provisions of that Act of 1878.

(2) [^{F1}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] subject to the following modifications and to any other necessary modifications consequential on those modifications, that is to say, that the purposes for which the power of entry may be exercised shall include the purposes of—

- (a) enforcing the provisions of this Order enforceable by a district council;
- (b) exercising any of the powers of the council under this Order;
- (c) ascertaining whether there is or has been on, or in connection with, the premises any contravention of any of the provisions so enforceable; or
- (d) ascertaining whether any of the powers of the council under this Order ought to be exercised;

but—

- (i) that section shall not, except for the purposes of Article 18(3) or (10), apply in relation to any premises being a private dwelling; and
- (ii) admission to any premises (except a factory within the meaning of the Factories Act (Northern Ireland) 1965 or any other premises in which persons are employed otherwise than in domestic service) shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

^{F2}(3)

F1 Words in art. 40(2) substituted (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

F2 Art. 40(3) repealed (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\), s. 78, Sch. 4 Pt. 5](#); S.R. 2012/13, art. 2(2), Sch. 2

Changes to legislation:

There are currently no known outstanding effects for the Clean Air (Northern Ireland) Order 1981, Section 40.