

*These notes refer to the Clean Neighbourhoods and Environment Act
(Northern Ireland) 2011 (c.23) which received Royal Assent on 4 May 2011*

Clean Neighbourhoods and Environment Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 - Litter

Section 21 – Controls on free distribution of printed matter

This section inserts Article 14B and Schedule 1A into the Litter Order. This gives district councils the power to control the distribution of free literature to prevent such material from becoming litter in the local environment. The restrictions in this Article are subject to exceptions in the case of charity, religious and political material.

Paragraph 1 of Schedule 1A makes it an offence to distribute, commission or pay for the distribution of free literature without consent in a designated area. Material distributed for charitable, religious and political purposes is exempted from the offence. The offence does not extend to putting literature inside a building or letter-box, nor does it apply where the distribution takes place entirely within a public service vehicle, such as a bus or coach.

Paragraph 2 enables a council to make an order to designate areas where this offence will apply. It sets out the procedure and requirements for achieving designation, including public notification, consideration of objections and timing of designation.

Paragraph 3 enables a council to issue consents for the distribution of free literature in a designated area. This includes provisions allowing a council to impose conditions on the consent to prevent defacement and ensure enforcement, to refuse consent in certain circumstances, and to revoke consent. The consent may also specify that others can also distribute the material in accordance with that consent, for example, a distributor, an individual or the employees of the applicant.

Paragraph 4 enables a council to charge a fee, within the confines of overall cost recovery for this Schedule.

Paragraph 5 provides for appeal to a court of summary jurisdiction.

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Paragraph 6 enables an authorised officer of a district council to seize the material when an offence is committed. A person claiming ownership of the literature may apply to a court of summary jurisdiction requesting the return of this material.

Paragraph 7 enables a council, or any person authorised by a council, to issue a fixed penalty notice for this offence, offering the offender an opportunity to discharge any liability to the offence.