

*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 4 – Graffiti and Other Defacement

Section 26 – Penalty notices for graffiti and fly-posting

Subsection (1) of this section sets out the power for the authorised officer of a district council, or an authorised person working on the council's behalf, to issue a penalty for the relevant offence (defined in subsection (10)). Subsection (2) excludes from the scope of such offences capable of being dealt with by means of a fixed penalty notice any that is racially or religiously targeted or motivated. Subsection (3) restricts the possibility of being issued with a fixed penalty notice in lieu of prosecution for an offence under Article 84(2) of the Planning (Northern Ireland) Order 1991 to the person personally affixing or placing the unlawful advertisement in question.

Subsection (12) amends Article 87(11) of the Roads (Northern Ireland) Order 1993 to enable a district council, in connection with illegal fly-posting on a road or upon any tree, structure or other works in or on a road, to obtain from the person who printed the advertisement, details of the person for whom or on whose instructions the advertisement was printed.