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STATUTORY INSTRUMENTS

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**1994 No. 1896**

**The Litter (Northern Ireland) Order 1994**

Clearing and cleaning land and roads

**Duty to keep land and roads clear and clean**

7.—(1) It shall be the duty of—

- (a) each district council, as respects its relevant land or any relevant road for which it is responsible,
- (b) the Department, as respects any road which is not a relevant road,
- (c) the appropriate authority, as respects its relevant Crown land,
- (d) each designated statutory undertaker, as respects its relevant land,
- (e) the governing body of each designated educational institution, as respects its relevant land, and
- (f) the occupier of any relevant land within a litter control area of a district council,

to ensure that the land or road is, so far as is practicable, kept clear of litter.

(2) Subject to Article 8(2), it shall also be the duty of—

- (a) each district council, as respects any relevant road for which it is responsible,
- (b) the Department, as respects any road which is not a relevant road,

to ensure that the road is, so far as is practicable, kept clean.

(3) In determining what standard is required, as respects any description of land or road, for compliance with paragraphs (1) and (2), regard shall be had to the character and use of the land or road as well as the measures which are practicable in the circumstances.

(4) Regulations may prescribe matter of any description for the purposes of paragraphs (1)(a) and (2)(a) which shall be litter to which the duties imposed by those paragraphs apply as respects roads whether or not it would be litter apart from this paragraph.

(5) A district council may, with the consent of the person who has the duty to keep any road or land clear under paragraph (1)(b) to (f), arrange for the clearing of the road or, as the case may be, the land and may enter into an agreement with such a person for the payment by him of charges in respect of the clearing.

(6) Nothing in this Article operates to confer on any person a right of action in tort against the Department or any district council for failing to carry out any duty imposed on it under this Article as respects any road.

**Roads: supplementary provisions**

8.—(1) A district council, when discharging its duty under Article 7(1)(a) or (2)(a) as respects any relevant road, shall place and maintain on the road such traffic signs and barriers as may be necessary for giving warning and preventing danger to traffic or for regulating it and afterwards shall remove them as soon as they cease to be necessary for those purposes; but this paragraph has effect subject to any directions given under paragraph (2).

(2) In discharging its duty under Article 7(1)(a) or (2)(a) to keep clear of litter or to clean any relevant road for which it is responsible, the district council shall comply with any directions given to it by the Department with respect to—

- (a) the placing and maintenance of any traffic signs or barriers;
- (b) the days or periods during which clearing or cleaning shall not be undertaken or undertaken to any extent specified in the direction;

and for the purpose of enabling it to discharge its duty under Article 7(1)(a) or (2)(a) as respects any relevant road the district council may apply to the Department for the Department to exercise its powers under Article 24(1) or 25(1) of the Road Traffic (Northern Ireland) Order 1981(1) (temporary prohibition or restriction of traffic).

(3) Where in the case of any road the Department or, as the case may be, the district council considers that, in order to facilitate the clearing or cleaning of the road on a particular day (“the relevant day”), it is appropriate to prohibit the parking of vehicles on the road during certain hours of the relevant day, the Department or the council may give notice in accordance with the following provisions of this Article prohibiting such parking.

(4) Such a notice must specify the road, the relevant day and the hours in question; and a copy of the notice must—

- (a) be served on the occupier of any premises adjoining the road; and
- (b) be conspicuously displayed at places on the road.

(5) The effect of the giving of such a notice and of the service and display of copies of it as required by paragraph (4) shall be to suspend during the hours of the relevant day specified in the notice the operation of any provision made by or under the Road Traffic (Northern Ireland) Order 1981 which authorises, designates or regulates the use of a parking place on the road.

(6) Where the Department or the council gives such a notice it shall cover up traffic signs and parking meters on the road during the hours of the relevant day specified in the notice, but without prejudice to the effect of the notice.

(7) If, either before or during the hours on the relevant day which are specified in a notice given by the Department or the council as mentioned in paragraph (3), the Department or the council displays notices on the road stating that the prohibition on parking is not to come into force or is to cease to be in force, the effect of the notices under this paragraph shall be to prevent the prohibition coming into force or, as the case may be, to terminate it.

(8) Where any parking on the road is, under a notice given as mentioned in paragraph (3), prohibited during specified hours on the relevant day, no right of action shall accrue to any person by reason of the fact that all or some of the clearing or cleaning of the road which the Department or, as the case may be, the district council proposes to do or has done during those hours is not clearing or cleaning which the Department or that council has or had power to do if the other of those persons has or had power to do it.

(9) Any reference in this Article to a road includes any road on which the parking of vehicles is, apart from this Article, authorised by virtue of any statutory provision whether on payment or free of charge; and where the parking of vehicles on that road is prohibited under this Article a person shall not be entitled to recover any sum paid by him in respect of the parking of a vehicle there.

(10) In this Article “parking meter” has the meaning assigned to it by Article 110(2)(a) of the Road Traffic (Northern Ireland) Order 1981(2) and “parking place” and “traffic sign” have the meanings assigned to them by Article 2(2) of that Order.

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(1) 1981 NI 1

(2) 1981 NI 1

### **Code of practice**

9.—(1) The Department shall prepare and issue a code of practice for the purpose of providing practical guidance on the discharge of the duties imposed by Article 7(1) and (2).

(2) The Department may issue modifications of, or withdraw, a code issued under paragraph (1); but where a code is withdrawn, the Department shall prepare and issue a new code under that paragraph in substitution for it.

(3) Any person subject to any duty imposed by Article 7(1) or (2) shall have regard to the code of practice in force under paragraph (1) in discharging that duty.

(4) A draft of the code prepared under paragraph (1) shall be laid before the Assembly.

(5) If within the statutory period beginning with the day on which a copy of the draft is laid before the Assembly, the Assembly so resolves, no further proceedings shall be taken thereon but without prejudice to the laying before the Assembly of a new draft.