

*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 17 – Litter clearing notices

This section repeals the power to designate litter control areas (and Schedule 4 repeals provisions of the Litter Order which are consequential on that power). As an alternative, the section inserts a new Article 12A into the Litter Order empowering district councils to serve “litter clearing notices” on particular occupiers where they are of the view that defacement caused by the litter is detrimental to the amenity of the area. It also inserts new Articles 12B and 12C into the Litter Order. Article 12B provides a person who has been served a litter clearing notice with the right of appeal to a court of summary jurisdiction and sets out the grounds on which the appeal may be made. Article 12C makes it an offence to fail without reasonable excuse to comply with a litter clearing notice. Where a person fails to meet the requirement of a notice, a district council may itself enter the land to remove the litter. A council may impose a reasonable charge for this on the person who failed to comply with the notice.