

*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

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 7 – Statutory Nuisances**

##### ***Section 70 – Summary proceedings by persons aggrieved by statutory nuisances***

This section provides a right for a private individual who is aggrieved by the existence of a statutory nuisance to apply to the court of summary jurisdiction for a nuisance abatement order. The provision: allows a court of summary jurisdiction to impose a fine on the individual causing the nuisance in addition to the order abating the nuisance; allows the court to prevent habitation of a house where the house is not fit; sets out notice requirements which must be followed prior to applying to the court; creates an offence of failing to comply with an abatement order made by the court and provides defences to such an offence. The section also: allows a court of summary jurisdiction to direct a district council to do anything which a person convicted of such an offence was required to do by an order to which the conviction relates; requires a court of summary jurisdiction to order a defendant, in a case where it is proved that an alleged nuisance existed at the date of the making of the complaint, to pay the person bringing the proceedings an amount to compensate that person for any expenses properly incurred by that person in the proceedings.