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STATUTORY INSTRUMENTS

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**1994 No. 1896**

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

Penalty for leaving litter, etc.

**Offence of leaving litter**

**3.—**(1) If any person throws down, drops or otherwise deposits in, into or from any place open to the air, and leaves, any thing whatsoever in such circumstances as to cause, or contribute to, or tend to lead to, the defacement by litter of any such place, he shall, subject to paragraph (2), be guilty of an offence.

(2) It shall be a defence for a person charged with an offence under paragraph (1) to prove that the depositing and leaving of the thing was—

- (a) authorised by law, or
- (b) done with the consent of the owner or other person or authority having control of the place in or into which that thing was deposited.

[<sup>F1</sup>(2A) A person may only give consent under paragraph (2) in relation to the depositing of litter in a lake, pond or watercourse if he is the owner, occupier or other person having control of—

- (a) all the land adjoining the lake, pond or watercourse; and
- (b) all the land through or into which water in that lake, pond or watercourse directly or indirectly discharges, otherwise than by means of a public sewer.

(2B) In paragraph (2A)—

“ watercourse ” has the same meaning as in Article 2(2) of the Drainage (Northern Ireland) Order 1973; and

“ public sewer ” has the same meaning as in Article 2(2) of the Water and Sewerage Services (Northern Ireland) Order 2006. ]

(3) A person who is guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(4) A district council, with a view to promoting the abatement of litter, may take such steps as the council thinks appropriate for making the effect of paragraph (3) known to the public in its district.

<p><b>F1</b> Art. 3(2A)(2B) inserted (1.4.2012) by <a href="#">Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23)</a>, <b>ss. 14(2)</b>, 78; S.R. 2012/13, Sch. 2</p>
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**Changes to legislation:**

There are currently no known outstanding effects for the The Litter (Northern Ireland) Order 1994, Section 3.