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STATUTORY INSTRUMENTS

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**1994 No. 1896**

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

Penalty for leaving litter, etc.

**Fixed penalty notices**

<sup>F1</sup>6.—(1) Where on any occasion an authorised officer of a district council finds a person who he believes has on that occasion committed an offence under Article 3 <sup>F2</sup>... in the district of that council, he may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

(2) Where a person is given a notice under this Article in respect of an offence—

- (a) no proceedings shall be instituted for that offence before the expiration of 14 days from the date of the notice; and
- (b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of that period.

(3) A notice under this Article shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state—

- (a) the period during which, under paragraph (2), proceedings will not be taken for the offence;
- (b) the amount of the fixed penalty; and
- (c) the person to whom and the address at which the fixed penalty may be paid;

and, without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).

(4) Where a letter is sent in accordance with paragraph (3) payment shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(5) Regulations may prescribe the form of notices under this Article.

<sup>F3</sup>(6) The fixed penalty payable in pursuance of a notice under this Article is payable to the district council whose authorised officer gave the notice.

(6A) The amount of a fixed penalty payable in pursuance of a notice under this Article—

- (a) is the amount specified by a district council in relation to its district, or
- (b) if no amount is so specified, is £75.

(7) A district council to which a fixed penalty is payable under this Article may make provision for treating it as having been paid if a lesser amount is paid before the end of a period specified by the council.]

(8) In any proceedings a certificate which—

- (a) purports to be signed by or on behalf of the clerk of the council; and
- (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

shall be evidence of the facts stated.

[<sup>F1</sup>(8A) The Department shall prepare and issue, and may from time to time revise, a code of practice for the purpose of providing guidance on the giving by authorised officers of notices under this Article.

(8B) An authorised officer must have regard to the code of practice as for the time being in force in determining whether to give a person a notice under this Article.

(8C) A draft of the code of practice, or any revision of the code of practice, shall be laid before the Assembly.

(8D) 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 in relation to the draft but without prejudice to the laying before the Assembly of a new draft.]

(9) In this Article—

[<sup>F4</sup> “ authorised officer ”, in relation to a district council, means

- (a) —an employee of the district council who is authorised in writing by the council for the purpose of giving notices under this Article;
- (b) any person who, in pursuance of arrangements made with the council, has the function of giving such notices and is authorised in writing by the council to perform that function; and
- (c) any employee of such a person who is authorised in writing by the council for the purpose of giving such notices;]

“clerk of the council”, in relation to a district council, means the clerk appointed in accordance with section 41 of the Local Government Act (Northern Ireland) 1972<sup>F5</sup>;

“believes” has the same meaning as in Article 5.

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| <b>F1</b> | Art. 6(8A)-(8D) inserted (18.1.2012 for specified purposes, otherwise 1.4.2012) by <a href="#">Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), ss. 16(3), 78; S.R. 2012/13, Schs. 1, 2 (with art. 3)</a> |
| <b>F2</b> | Words in art. 6(1) repealed (1.4.2012) by <a href="#">Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, Sch. 4 Pt. 3; S.R. 2012/13, Sch. 2 (with art. 3)</a>  |
| <b>F3</b> | S. 6(6)(6A)(7) substituted for s. 6(6)(7) (1.4.2012) by <a href="#">Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), ss. 16(2), 78; S.R. 2012/13, Sch. 2 (with art. 3)</a>                                |
| <b>F4</b> | Words in art. 6(9) inserted (1.4.2012) by <a href="#">Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), ss. 16(4), 78; S.R. 2012/13, Sch. 2 (with art. 3)</a>  |
| <b>F5</b> | 1972 c. 9 (NI)   |

**Changes to legislation:**

There are currently no known outstanding effects for the The Litter (Northern Ireland) Order 1994, Section 6.