
STATUTORY INSTRUMENTS

1994 No. 1896

The Litter (Northern Ireland) Order 1994

Penalty for leaving litter, etc.

Fixed penalty notices

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 or, as the case may be, Article 4 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.

(6) The fixed penalty payable to a district council under a notice under this Article shall, subject to paragraph (7), be £10; and as respects the sums received by the council, those sums shall be paid to the Department.

(7) The Department may, by order, substitute a different amount for the amount for the time being specified as the amount of the fixed penalty in paragraph (6).

(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.

(9) In this Article—

“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⁽¹⁾;

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

⁽¹⁾ 1972 c. 9 (N.I.)