
STATUTORY INSTRUMENTS

1994 No. 1896

The Litter (Northern Ireland) Order 1994

Introductory

Title and commencement

1.—(1) This Order may be cited as the Litter (Northern Ireland) Order 1994.

(2) This Order shall come into operation on such day or days as the Head of the Department may by order appoint.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(1) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the appropriate authority”, in relation to any Crown land, means—

- (a) in the case of land occupied as part of the Crown Estate, the Crown Estate Commissioners;
- (b) in the case of land occupied by or for the purposes of a government department, that government department;
- (c) in the case of land occupied or managed by a body on behalf of the Crown, that body;

“authorised officer” means an officer of a district council authorised in writing by the council for the purposes of this Order;

“Crown land” means land—

- (a) occupied by the Crown Estate Commissioners as part of the Crown Estate,
- (b) occupied by or for the purposes of a government department, or
- (c) occupied or managed by any body acting on behalf of the Crown;

“the Department” means the Department of the Environment;

“educational institution” means—

- (a) any higher education institution as defined in Article 30(3) of the Education and Libraries (Northern Ireland) Order 1993(2);
- (b) any college of education as defined in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986(3);
- (c) any institution which provides further education as defined in Article 100(2) of the Education Reform (Northern Ireland) Order 1989(4);

(1) 1954 c. 33 (N.I.)
(2) 1993 NI 12
(3) 1986 NI 3
(4) 1989 NI 20

(d) any school as defined in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986;

“footway” has the same meaning as in Article 2(2) of the Roads (Northern Ireland) Order 1993(5);

“government department” includes a department of the government of the United Kingdom;

“litter”, subject to Article 7(4), means—

(a) any refuse, filth, garbage or any other nauseous, offensive or unsightly waste; or

(b) any waste which is likely to become nauseous, offensive or unsightly;

but not, subject to paragraph (7), animal droppings;

“regulations” means regulations made by the Department;

“relevant Crown land” means, subject to paragraph (3), Crown land which is open to the air and is land (but not a road) to which the public are entitled or permitted to have access with or without payment;

“relevant land of a district council” means, subject to paragraph (3), land which is open to the air and is land under the direct control of the council to which the public are entitled or permitted to have access with or without payment;

“relevant land of a designated educational institution” means, subject to paragraph (3), land which is open to the air and is land under the direct control of the governing body of any educational institution or educational institution of any description designated by the Department, by order;

“relevant land within a litter control area of a district council” means land included in an area designated by a district council under Article 10 to which the public are entitled or permitted to have access with or without payment;

“relevant land of a designated statutory undertaker” means, subject to paragraph (3), land under the direct control of any statutory undertaker designated by the Department, by order, being land to which the public are entitled or permitted to have access with or without payment or, in such cases as may be specified in the designation order, land in relation to which the public have no such right or permission;

“road” has the same meaning as in Article 2(2) of the Roads (Northern Ireland) Order 1993(6) but includes a footway;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954(7);

“statutory undertaker” means—

(a) any body or person authorised by any statutory provision to carry on any railway, road transport, water transport, inland navigation, dock or harbour undertaking;

(b) the airport operator (within the meaning of the Airports (Northern Ireland) Order 1994(8)) of any airport to which Article 25 of that Order applies;

(c) any other body or person prescribed by regulations;

“waste” has the same meaning as in Article 36(1) of the Pollution Control and Local Government (Northern Ireland) Order 1978(9).

(5) 1993 NI 15
 (6) 1993 NI 15
 (7) 1954 c. 33 (N.I.)
 (8) 1994 NI 00
 (9) 1978 NI 19

(3) The Department may, by order, designate descriptions of land which are not to be treated as relevant Crown land or as relevant land of district councils, of designated statutory undertakers or designated educational institutions or of any description of such institutions.

(4) Subject to paragraph (5), every road is a “relevant road” and each district council is for the purposes of this Order, “responsible” for so much of any relevant road as lies within the district of the council.

(5) The Department may, by order, designate roads which are not to be treated as a relevant road.

(6) A place on land shall be treated as “open to the air” notwithstanding that it is covered if it is open to the air on at least one side.

(7) The Department may, by order, apply the provisions of this Order which apply to litter to any description of animal droppings in all or any circumstances as may be specified in the order subject to such modifications as appear to the Department to be necessary.