

## SCHEDULES

### SCHEDULE 1

Article 19.

#### ABANDONED SHOPPING AND LUGGAGE TROLLEYS

##### Application

**1.—**(1) Subject to sub-paragraph (2), this Schedule applies where any shopping or luggage trolley is found by an authorised officer on any land in the open air and appears to him to be abandoned.

(2) This Schedule does not apply in relation to a shopping or luggage trolley found on the following descriptions of land, that is to say—

- (a) land in which the owner of the trolley has an estate;
- (b) where an off-street parking place affords facilities to the customers of shops for leaving there shopping trolleys used by them, land on which those facilities are afforded;
- (c) where any other place designated by the district council for the purposes of this Schedule affords like facilities, land on which those facilities are afforded; and
- (d) as respects luggage trolleys, land which is used for the purposes of its undertaking by a statutory undertaker.

##### Power to seize and remove trolleys

**2.—**(1) Where this Schedule applies in relation to a shopping or luggage trolley, the district council may, subject to sub-paragraph (2),—

- (a) seize the trolley; and
- (b) remove it to such place under its control as the council thinks fit.

(2) When a shopping or luggage trolley is found on any land appearing to the authorised officer to be occupied by any person, the trolley shall not be removed without the consent of that person unless—

- (a) the council has served on that person a notice stating that the council proposes to remove the trolley; and
- (b) no notice objecting to its removal is served by that person on the council within the period of 14 days from the day on which the council served the notice of the proposed removal on him.

##### Retention, return and disposal of trolleys

**3.—**(1) Subject to the following sub-paragraphs, the district council, as respects any shopping or luggage trolley it has seized and removed—

- (a) shall keep the trolley for a period of 6 weeks; and
- (b) may sell or otherwise dispose of the trolley at any time after the end of that period.

(2) The council shall, as respects any trolley it has [F1 seized and removed], as soon as reasonably practicable (but not later than 14 days) from its removal, serve on the person (if any) who appears to the council to be the owner of the trolley a notice stating—

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the The Litter (Northern Ireland) Order 1994, SCHEDULE 1. (See end of Document for details)*

- (a) that the council has removed the trolley and is keeping it;
- (b) the place where it is being kept; and
- (c) that, if it is not claimed, the council may dispose of it.

(3) Subject to sub-paragraph (4), if, within the period mentioned in sub-paragraph (1)(a), any person claims to be the owner of a shopping or luggage trolley being kept by the council under that sub-paragraph, the council shall, if it appears that the claimant is the owner, deliver the trolley to him.

(4) A person claiming to be the owner of a shopping or luggage trolley shall not be entitled to have the trolley delivered to him unless he pays the council, on demand, such charge as the council requires.

(5) No shopping or luggage trolley shall be disposed of by the council unless (where it has not been claimed) the council has made reasonable enquiries to ascertain who owns it.

**F1** Words in Sch. 1 para. 3(2) substituted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), ss. 24(2), 78 (with s. 25); S.R. 2012/13, Sch. 2

**[<sup>F2</sup>3A.—**(1) This paragraph applies where the district council is entitled to sell or otherwise dispose of a shopping or luggage trolley in accordance with paragraph 3(1)(b).

(2) If it appears to the council that a particular person is the owner of the trolley, the council may charge him a sum in respect of the removal, storage and disposal of the trolley.

(3) The charge is payable to the council on demand.

(4) The sum payable as a charge under this paragraph is recoverable by the council as a debt due to it.

(5) In proceedings against a person under sub-paragraph (4) for enforcement of a charge, it is a defence for the person to prove that he was not the owner of the trolley to which the charge relates at the time it was removed.]

**F2** Sch. 1 para. 3A inserted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), ss. 24(3), 78 (with s. 25); S.R. 2012/13, Sch. 2

## Charges

4.—(1) The district council, [<sup>F3</sup>in fixing the charges to be paid under this Schedule, shall secure that the charges so payable are such as are sufficient], taking one financial year with another, to cover the cost of removing, storing and disposing of [<sup>F4</sup>shopping or luggage trolleys] under this Schedule.

(2) The council may agree with persons who own shopping or luggage trolleys and make them available for use in its district a scheme for the collection by them of trolleys they make available for use; and where such an agreement is in force with any person, no charge may be demanded under paragraph 3 [<sup>F5</sup>or 3A] by the council in respect of any trolley within the scheme in relation to which the provisions of the scheme are complied with.

**F3** Words in Sch. 1 para. 4(1) substituted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), ss. 24(4)(a)(i), 78 (with s. 25); S.R. 2012/13, Sch. 2

**F4** Words in Sch. 1 para. 4(1) substituted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), ss. 24(4)(a)(ii), 78 (with s. 25); S.R. 2012/13, Sch. 2

**F5** Words in Sch. 1 para. 4(2) inserted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), ss. 24(4)(b), 78 (with s. 25); S.R. 2012/13, Sch. 2

## Definitions

### 5. In this Schedule—

[<sup>F6</sup>“authorised officer”, in relation to a district council, means an officer of a district council authorised in writing by the council for the purposes of exercising functions under this Schedule;]

“luggage trolley” means a trolley provided by a person carrying on an undertaking mentioned in paragraph 1(2)(d) to travellers for use by them for carrying their luggage to, from or within the premises used for the purposes of that undertaking, not being a trolley which is power-assisted; and

“shopping trolley” means a trolley provided by the owner of a shop to customers for use by them for carrying goods purchased at the shop, not being a trolley which is power-assisted.

**F6** Words in Sch. 1 para. 5 inserted (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), **ss. 24(5)**, 78 (with s. 25); S.R. 2012/13, Sch. 2

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**Changes to legislation:**

There are currently no known outstanding effects for the The Litter (Northern Ireland) Order 1994, SCHEDULE 1.