

1995 No. 17

PUBLIC HEALTH**The Litter (Fixed Penalty Notices) Regulations
(Northern Ireland) 1995**

Made 23rd January 1995

Coming into operation 27th February 1995

The Department of the Environment, in exercise of the powers conferred on it by Article 6(5) of the Litter (Northern Ireland) Order 1994(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Litter (Fixed Penalty Notices) Regulations (Northern Ireland) 1995 and shall come into operation on 27th February 1995.

Form of notice

2. A notice offering the opportunity of discharging any liability to conviction for an offence under Articles 3 or 4 of the Litter (Northern Ireland) Order 1994 by payment of a fixed penalty shall be in the form prescribed in the Schedule.

Revocation

3. The Litter (Fixed Penalty Notices) Regulations (Northern Ireland) 1994(b) are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on
23rd January 1995.

(L.S.)

R. W. Rogers

Assistant Secretary

(a) S.I. 1994/1896 (N.I. 10); see Article 2(2) for the definitions of "the Department" and "regulations"
(b) S.R. 1994 No. 352

OFFENCE OF LEAVING LITTER

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

The Litter (Northern Ireland) Order 1994, Article 6

Name:

Address:

I, (a), an authorised officer of (b), have reason to believe that on (c) you committed an offence under Article 3(1)/Article 4(1)* of the Litter (Northern Ireland) Order 1994 in the area of (d). This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty. The circumstances alleged to constitute the offence are as follows—

No proceedings will be taken for this offence before the expiration of fourteen days following the date of this notice. You will not be liable to conviction for the offence if you pay the fixed penalty during that period of fourteen days.

The amount of the fixed penalty is (e). It may be paid to (f) at the following address: (g).

Payment may be made by pre-paying and posting to (f) at (g) a letter containing the amount of the penalty. Payment may be in cash, or by a cheque, postal order or money order made payable to (f). (If you are sending cash you are advised to sent it by registered post.) Payment made in this way will be regarded as having been made at the time at which the letter would be delivered in the ordinary course of post. Alternatively, payment may be made in person or by any other method.

Signature of authorised officer

Date

* delete as appropriate

Notes

- (a) Insert name of authorised officer.
- (b) Insert name of district council.
- (c) Insert date on which offence is alleged to have been committed.
- (d) Insert name of area of district council.
- (e) Insert amount of £10, or any different amount for the time being specified by the Department under Article 6(7) of the Litter (Northern Ireland) Order 1994.
- (f) Insert title or name of the person to whom the fixed penalty is to be paid.
- (g) Insert address at which payment is to be made.

Letter which may be used for payment by post

I enclose with this letter the amount of _____, being the fixed penalty for an offence under Article 3(1)/Article 4(1)* of the Litter (Northern Ireland) Order 1994.

Signature

Name in capitals.....

Date.....

* delete as appropriate

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and replace the Litter (Fixed Penalty Notices) Regulations (Northern Ireland) 1994 with one minor amendment. They prescribe the form of notices under Article 6(5) of the Litter (Northern Ireland) Order 1994.

Notices under Article 6(5) may be given by an authorised officer of a district council to a person who he believes has committed an offence under Article 3(1) of that Order (offence of leaving litter) or Article 4(1) (offence of permitting dogs to foul).

The effect of giving the notice is that no proceedings shall be instituted for the offence before the expiration of fourteen days following the date of the notice, and that a person who pays the fixed penalty within that period shall not be convicted of the offence.